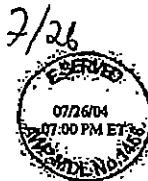


EXHIBIT 1



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO
01-CV-12257-PBS AND 01-CV-339

Judge Patti B. Saris

**DEFENDANT BMS'S RESPONSES TO PLAINTIFFS'
INTERROGATORIES TO THE FAST TRACK DEFENDANTS**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, defendants Bristol Meyers Squibb Co., Oncology Therapeutics Network Corp. and Apothecon, Inc. ("BMS") hereby respond to Plaintiffs' Interrogatories to the Fast-Track Defendants (the "Plaintiffs' Contention Interrogatories").

GENERAL OBJECTIONS

A. BMS expressly incorporates all of the General Objections set forth below into each Response to the Plaintiffs' Contention Interrogatories. Any Specific Objections provided below are made in addition to these General Objections and failure to reiterate a General Objection below does not constitute a waiver or limitation of that or any other objection.

B. BMS incorporates by reference herein all "General Objections" from the Responses of Defendants Bristol-Myers Squibb Company, Oncology Therapeutics Network Corporation and Apothecon, Incorporated To Plaintiffs' Omnibus Request For Production Of Documents And Interrogatories.



Response to Interrogatory No. 10:

BMS objects on the ground that AWP, "reported AWP" and "actual" AWP are undefined. BMS further objects to this Interrogatory on the ground that it erroneously assumes that (a) BMS has responsibility for the AWP's appearing in the Publications and that (b) AWP's are supposed to reflect "rebates, chargebacks, discounts free goods and other reductions in the actual price paid by wholesalers, physicians or hospitals." Subject to and without waiver of the foregoing, BMS refers plaintiffs to the AWP's in the Publications which are publicly available and to the sale, chargeback and rebate data that it has produced in discovery in this matter.

Interrogatory No. 11: If you assert an affirmative defense based upon "established industry practice", set forth all factual support that defendants' conduct as alleged in the AMCC was justified or in accordance with established industry practice.

Response to Interrogatory No. 11:

BMS objects on the ground that the request for "all factual support" calls for evidentiary materials not the proper subject of a contention interrogatory at this time. BMS further objects to this interrogatory to the extent it assumes that "industry practice" is an affirmative defense upon which BMS has a burden of proof, when instead it is plaintiffs' burden in a fraud-based claim to establish that BMS made a statement or omission that it knew to be materially misleading to those in the relevant industries who reasonably and foreseeably could be expected to act upon it. Subject to and without waiver of the foregoing, BMS contends that the existence of a "spread" or differential between (i) AWP as published in the Publications and (ii) any other prices relating to BMS products is not misleading to a person with even minimal experience in industries relating to the sale and distribution of drugs or to government or private reimbursement for drugs. BMS further contends that the Publications appear to have adopted a practice of marking up wholesale list prices by a percentage amount to arrive at an AWP. In addition, BMS contends that both



private and public payors have adopted an industry practice of using AWP as a benchmark for determining reimbursement rates even though they know that in many cases transactions (other than retail cash transactions) occur at prices below the published AWP.

Interrogatory No. 12: If you contend that plaintiffs' claims for injunctive relief are mooted by passage of the 2003 Medicare reform legislation state all facts in support of such contention.

Response to Interrogatory No. 12:

BMS objects on the ground that "2003 Medicare reform legislation" is not defined. BMS further objects on the ground that the request for "all facts in support" calls for evidentiary materials not the proper subject of a contention interrogatory at this time. Subject to and without waiver of the foregoing, BMS contends that, to the extent the AMCC claims that injunctive relief concerning AWP reporting is needed to prevent alleged future losses to members of the putative class who make Medicare Part B payments, such claims have been rendered moot by legislation that eliminates AWP as a measure of reimbursement under Medicare Part B.

Interrogatory No. 13: Do you contend that there existed public information disclosing that the AWP exceeded actual prices at which pharmaceuticals were purchased by physicians, pharmacies and hospitals. If so, for each AWPID; and for the years 1991 to the present:

- (a) Set forth the reported AWP from First Data and Red Book;
- (b) Set forth the ASP or the price that reflects chargebacks, rebates, discounts and credits for each such drug;
- (c) Identify where the spread between AWP and ASP was disclosed to the public or to any third-party payor; and
- (d) Identify the AMP for each such AWPID for each such year.

Response to Interrogatory No. 13:

BMS objects on the ground that the sub-parts of the interrogatory do not follow from the body, i.e. they are a non-sequitur. BMS further objects on the ground that AWP, ASP, and AMP are undefined. Subject to and without waiver of the foregoing, BMS contends that from before

EXHIBIT 2



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

P.O. Box 4500 Princeton, NJ 08543-4500 609 897-2000

March 11, 1998

MEDISPAN

8425 Woodfield Crossing Boulevard
Indianapolis, IN 46240-0930

Attention: Connie Westbrook

Dear Connie:

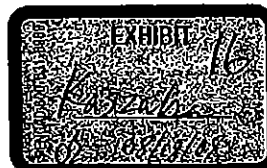
Effective March 11, 1998, Bristol-Myers Squibb U.S. Pharmaceutical Group has increased prices on select products found on the price lists entitled Bristol-Myers Squibb Oncology/Immunology and Primary Care. Listed on the enclosed pages is updated pricing information. Please use this information to update the National Drug Data Files.

If you require additional information, I may be reached at 609-897-4780.

Sincerely,

Barbara Goetz
Pricing Support Coordinator

cc: DM Kaszuba



HIGHLY CONFIDENTIAL
BMS/AWP/000092170



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

P.O. Box 4500 Princeton, NJ 08541-4500 609 897-2000

March 11, 1998

MEDICAL ECONOMICS DATA
5 Paragon Drive
Montvale, NJ 07645-1742

Attention: Carol Flanagan

Dear Carol:

Effective March 11, 1998, Bristol-Myers Squibb U.S. Pharmaceutical Group has increased prices on select products found on the price lists entitled Bristol-Myers Squibb Oncology/Immunology and Primary Care. Listed on the enclosed pages is updated pricing information. Please use this information to update the National Drug Data Files.

If you require additional information, I may be reached at 609-697-4780.

Sincerely,

Barbara Goetz
Pricing Support Coordinator

cc: DM Kaszuba

HIGHLY CONFIDENTIAL
BMS/AWP/000092171



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

P.O. Box 4500 Princeton, NJ 08543-4500 609-897-2000

March 11, 1998

FIRST DATA BANK

Suite 350

1111 Bayhill Drive

San Bruno, CA 94066

Attention: Cathy Gufgesell

Dear Cathy:

Effective March 11, 1998, Bristol-Myers Squibb U.S. Pharmaceutical Group has increased prices on select products found on the price lists entitled Bristol-Myers Squibb Oncology/Immunology and Primary Care. Listed on the enclosed pages is updated pricing information. Please use this information to update the National Drug Data Files.

If you require additional information, I may be reached at 609-897-4780.

Sincerely,

Barbara Goetz

Pricing Support Coordinator

cc: DM Kaszuba

HIGHLY CONFIDENTIAL
BMS/AWP/000092172



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Cathy Gutgesell
Fax#: 415-827-4578
Re: Price Adjustment Notification
Date: March 11, 1998
Pages: 3, including cover sheet.

Dear Cathy:

Effective March 11, 1998 Bristol-Myers Squibb U.S. Pharmaceutical Group has adjusted prices for selected products. Those products may be found on the price lists entitled Bristol-Myers Squibb Oncology/Immunology and Primary Care.

The pages which follow contain the updated pricing for the affected products. Please use this information to update the National Drug Data Files.

Please supply AWP's for these products once the information has been processed through your database.

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Barbara

From the desk of...

Barbara Goetz

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4780
Fax 609 897 5996

HIGHLY CONFIDENTIAL
BMS/AWP/000092173

P. 1

* * * TRANSMISSION RESULT REPORT (MAR.11.1998 11:11AM) * * *

TTI 609 897 5996

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
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: BATCH
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S : STANDARD

C : CONFIDENTIAL
L : SEND LATER
D : DETAIL

\$: TRANSFER
@ : FORWARDING
F : FINE

P : POLLING
E : ECM
> : REDUCTION

HIGHLY CONFIDENTIAL
BMS/AWP/000092174



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Carol Flanagan
Fax: 201-358-1756
Re: Price Adjustment Notification
Date: March 11, 1998
Pages: 3, including cover sheet

Dear Carol:

Effective March 11, 1998 Bristol-Myers Squibb U.S. Pharmaceutical Group has adjusted prices for selected products. Those products may be found on the price lists entitled Bristol-Myers Squibb Oncology/Immunology and Primary Care.

The pages which follow contain the updated pricing for the affected products. Please use this information to update the National Drug Data Files.

Please supply AWP's for these products once the information has been processed through your database.

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Barbara

From the desk of...

Barbara Goetz

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4780
Fax: 609 897 5996

HIGHLY CONFIDENTIAL
BMS/AWP/000092175

P. 1

* * * TRANSMISSION RESULT REPORT (MAR.11.1998 11:05AM) * * *

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S : TRANSFER
@ : FORWARDING
F : FINE

P : POLLING
E : ECM
> : REDUCTION

HIGHLY CONFIDENTIAL
BMS/AWP/000092176



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Connie Westbrook
Fax#: 317-469-5252
Re: Price Adjustment Notification
Date: March 11, 1998
Pages: 3, including cover sheet.

Dear Connie:

Effective March 11, 1998 Bristol-Myers Squibb U.S. Pharmaceutical Group has adjusted prices for selected products. Those products may be found on the price lists entitled Bristol-Myers Squibb Oncology/Immunology and Primary Care.

The pages which follow contain the updated pricing for the affected products. Please use this information to update the National Drug Data Files.

Please supply AWP's for these products once the information has been processed through your database.

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Barbara

From the desk of...

Barbara Goetz

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609-897-4780
Fax: 609-897-5996

HIGHLY CONFIDENTIAL
BMS/AWP/000092177

P. 1

* * * TRANSMISSION RESULT REPORT (MAR.11.1998 11:02AM) * * *

TTI 609 897 5996

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C : CONFIDENTIAL
L : SEND LATER
D : DETAIL

\$: TRANSFER
@ : FORWARDING
F : FINE

P : POLLING
E : ECM
> : REDUCTION

HIGHLY CONFIDENTIAL
BMS/AWP/000092178

Bristol-Myers Squibb Oncology/Immunology

BMS NDC Number	Item Number	Product Name	Generic Name	Unit Size/Description	3-11-98 Wholesale/ Direct/Hosp Price Per Unit
0015-3012-38	3012-97	BICNU®	(carmustine)(BCNU)	100 mg vials, 3 mL diluent/vial	\$76.98
0016-3034-10	3034-10	CEENU®	(lomustine)(CCNU)	Dose-Pack	\$75.20
0016-3030-20	3030-20	CEENU®	(lomustine)(CCNU)	Stock Package (cartoned), 10 mg capsules, bottle of 20	\$61.41
0015-3031-20	3031-20	CEENU®	(lomustine)(CCNU)	Stock Package (cartoned), 40 mg capsules, bottle of 20	\$245.18
0015-3032-20	3032-20	CEENU®	(lomustine)(CCNU)	Stock Package (cartoned), 100 mg capsules, bottle of 20	\$466.08
0016-3080-50	3080-50	LYSDRENO®	(milofene tablets, USP)	500 mg tablets, bottle of 100	\$187.10
0016-3213-30	3213-30	PARAPLATIN®	(carboplatin for injection)	50 mg vial (cartoned)	\$77.01
0015-3213-28	3213-28	PARAPLATIN®	(carboplatin for injection)	50 mg vial, single-dose, For I.V. Use, VHA Plus™	\$77.01
0015-3214-30	3214-30	PARAPLATIN®	(carboplatin for injection)	150 mg vial (cartoned)	\$230.98
0015-3214-28	3214-28	PARAPLATIN®	(carboplatin for injection)	150 mg vial, single-dose, For I.V. Use, VHA Plus™	\$230.98
0015-3215-30	3215-30	PARAPLATIN®	(carboplatin for injection)	450 mg vial (cartoned)	\$682.97
0015-3215-28	3215-28	PARAPLATIN®	(carboplatin for injection)	450 mg vial, single-dose, For I.V. Use, VHA Plus™	\$682.97
0015-3220-22	3220-97	PLATINOL®-AQ	(cisplatin injection)	50 mg vial (cartoned), with CytoShield®	\$180.88
0016-3220-26	3220-26	PLATINOL®-AQ	(cisplatin injection)	50 mg vial (cartoned)/CytoShield® VHA+	\$180.88
0015-3221-22	3221-97	PLATINOL®-AQ	(cisplatin injection)	100 mg vial (cartoned), with CytoShield®	\$321.34
0015-3221-28	3221-28	PLATINOL®-AQ	(cisplatin injection)	100 mg vial (cartoned)/CytoShield® VHA+	\$321.34
0015-3091-45	3091-45	VEPESID®	(etoposide)	50 mg capsules (blister pack), carton of 20	\$847.19
0015-3075-19	3075-19	VUMON®	(teniposide for injection Concentrate)	50 mg/5 mL, ampule	\$144.61
0015-3075-97	3075-97	VUMON®	(teniposide for injection Concentrate)	50 mg/6 mL, ampule (10 ampules)	\$1,448.10
0015-0504-01	0504-01	CYTOXAN® TABLETS	(cyclophosphamide tablets, USP)	28 mg tablets, bottle of 100	\$149.18
0015-0503-01	0503-01	CYTOXAN® TABLETS	(cyclophosphamide tablets, USP)	50 mg tablets, bottle of 100	\$273.74
0015-0503-02	0503-02	CYTOXAN® TABLETS	(cyclophosphamide tablets, USP)	50 mg tablets, bottle of 1000	\$2,607.28
0015-3558-28	3558-28	IPEX® AND MESNEX®	(sterile ifosfamide) and (mesna) injection	5-1 g single dose via flex, 3-1 g multidose via Mesnex	\$714.38
0015-3584-16	3584-16	IPEX® AND MESNEX®	(sterile ifosfamide) and (mesna) injection	2-3 g single dose via flex, 8-1 g multidose via Mesnex	\$1,035.87
0015-3554-27	3554-27	IPEX® AND MESNEX®	(sterile ifosfamide) and (mesna) injection	10-1 g single dose via flex, 10-1 g multidose via Mesnex	\$1,728.21
0015-0508-42	0508-02	MEGACE® ORAL SUSPENSION	(megestrol acetate)	8 fl oz bottle	\$101.51
0015-3563-02	3563-02	MESNEX®	(mesna) injection	1-1 g multidose vial Mesnex	\$134.08
0015-3563-03	3563-03	MESNEX®	(mesna) injection	10-1 g multidose vials Mesnex	\$1,340.80
0003-0680-50	0680-50	TESLAC®	(testolactone tablets, USP)	50 mg tablets, bottle of 100	\$119.52

Page 1

HIGHLY CONFIDENTIAL
BMS/AWP/000092179

Author: Denise M Kaszuba at PGRSM34P

Date: 3/11/98, 6:09 AM

Priority: Normal

Receipt Requested

TO: KATHLEEN BOYD at NETSWITCH
 TO: NICHOLAS GRANDINETTI at NETSWITCH
 TO: BARBARA J. HODGE at NETSWITCH
 TO: ROBERT KELLEY at NETSWITCH
 TO: RONALD MASKOFF at NETSWITCH
 TO: DIANA M. SCHMIDT at NETSWITCH
 TO: Karen M Albright at PGRSM12P
 TO: Michele A Alkins at PGRSM13P
 TO: Troy M Blodgett at PGRSM13P
 TO: Anthony Certo at PGRSM12P
 TO: Santo A Costanza at PGRSM14P
 TO: Debra DiMaggio at PGRSM12P
 TO: Elizabeth A Gottshall at PGRSM26P
 TO: Michael J Guidotti at PGRSM12P
 TO: Jacqueline A Keith at PGRSM12P
 TO: Barbara L Miele at PGRSM14P
 TO: Keith Ponader at PGRSM11P
 TO: Doreen Rosica at PGRSM13P
 TO: Kathleen Steinert at PGRSM11P
 TO: Geoffrey M Woodall at PGRSM23P
 TO: Mark F Altmeyer at PGRSM14P
 TO: Lynda A Berne at PGRSM17P
 TO: Elizabeth Canning at PGRSM14P
 TO: Bernadette M Connaughton at PGRSM15P
 TO: Timothy Crew at PGRSM13P
 TO: Nicholas DeSanctis at PGRSLVA4P
 TO: Philippe Deschamps at PGRSM15P
 TO: Cindy Ehrenfreund at PGRSM13P
 TO: Neal D Gearinger at PGRSM12P
 TO: Andrew J Greene at PGRSM22P
 TO: Theresa Korhos at PGRSM14P
 TO: Mary A Madigan at PGRSM24P
 TO: Brian Markison at PGRSM25P
 TO: Paula E Pennie at PGRSM15P
 TO: David J Rader at PGRSLVD5P
 TO: Laurence A Bloom at PGRSLVA2P
 TO: Mark W Rabideau at PGRSM33P
 TO: George A Kegler at PGRSM11P
 TO: Barbara C Goetz at PGRSM33P
 TO: Christopher Reichert at PGRSM36P
 TO: Gloria A Torres at PGRPRM201
 TO: Gloria M. Torres at PGRPRM201
 TO: John Celentano at PGRPRC001
 Subject: MARCH 11, 1998 PRICE INCREASE NOTIFICATION

----- Message Contents -----

TO ALL:

Effective March 11, 1998 both BMSOI and Primary Care increased products on selected products.

I am attaching copies of the following mailgrams provided to the following customers:

065-001 - Wholesalers
 065-002 - Retailers
 065-003 - BMSOI Physicians
 065-102 - Hospitals.

I am out of the office until Monday. If you need immediate assistance on this pricing action, contact Barbara Goetz or Christopher Reichert.

In addition, if you need to speak with me, leave a message with Chris or Barbara.

P.S. Please provide this cc:MAIL to anyone within your organization whom you feel may require this price increase notification.

BMY0002377

PLB/007

HIGHLY CONFIDENTIAL
 BMS/AWP/000092180

Job No. 065-001a
065-001b

Dear Wholesaler:

Effective March 11, 1998, Bristol-Myers Squibb U.S. Pharmaceutical Group will adjust prices for selected products. Those products may be found in the price lists entitled Bristol-Myers Squibb Oncology/Immunology and Primary Care.

The revised prices are being supplied to you in the most expedient manner, so you may update your records accordingly.

All orders transmitted or received on or after March 11, 1998, will be invoiced at the new price.

ITEM NO.	NDC NO.	PRODUCT DESCRIPTION	WHOLESALE PRICE PER UNIT
BRISTOL-MYERS SQUIBB ONCOLOGY/IMMUNOLOGY			
		BICNU(R) (carmustine (BCNU))	
3012-97	0015-3012-38	100 mg/vl, 3 mL diluent/vl	\$ 76.58
		CEENU(R) lomustine (CCNU)	
3034-10	0015-3034-10	Dose-Pack	\$ 75.20
3030-20	0015-3030-20	Stock Package (cartoned), 10 mg cap, btl of 20	\$ 81.41
3031-20	0015-3031-20	Stock Package (cartoned), 40 mg cap, btl of 20	\$ 245.18
3032-20	0015-3032-20	Stock Package (cartoned), 100 mg cap, btl of 20	\$ 466.08
		CYTOXAN(R) TABLETS (cyclophosphamide tablets, USP)	
0504-01	0015-0504-01	25 mg tab, btl of 100	\$ 149.16
0503-01	0015-0503-01	50 mg tab, btl of 100	\$ 273.74
0503-02	0015-0503-02	50 mg tab, btl of 1000	\$2607.26
		IFEX(R) AND MESNEX(R) (sterile ifosfamide) and (mesna) injection	

BMV0002378

PLB/007

HIGHLY CONFIDENTIAL
BMS/AWP/000092181

		Combo-Packs	
3556-26	0015-3556-26	5-1 g single dose vls Ifex	
		3-1 g multidose vls Mesnex	\$ 714.38
3564-15	0015-3564-15	2-3 g single dose vls Ifex	
		6-1 g multidose vls Mesnex	\$1035.67
3554-27	0015-3554-27	10-1 g single dose vls Ifex	
		10-1 g multidose vls Mesnex	\$1726.21
		Mesnex(R) Vials	
3563-02	0015-3563-02	1-1 g multidose vial Mesnex	\$ 134.08
3563-03	0015-3563-03	10-1 g multidose vls Mesnex	\$1340.80
		LYSODREN(R)	
		(mitotane tablets, USP)	
3080-60	0015-3080-60	500 mg tab, btl of 100	\$ 197.10
		MEGACE(R) ORAL SUSPENSION	
		(40 mg of megestrol acetate/mL)	
0508-02	0015-0508-42	240 mL btl (8 fl. oz)	\$ 101.51
		PARAPLATIN(R)	
		(carboplatin for injection)	
3213-30	0015-3213-30	50 mg/vial (cartoned)	\$ 77.01
3213-29	0015-3213-29	50 mg/vial (VHA private label)	\$ 77.01
3214-30	0015-3214-30	150 mg/vial (cartoned)	\$ 230.99
3214-29	0015-3214-29	150 mg/vial (VHA private label)	\$ 230.99
3215-30	0015-3215-30	450 mg/vial (cartoned)	\$ 692.97
3215-29	0015-3215-29	450 mg/vial (VHA private label)	\$ 692.97
		PLATINOL(R) -AQ	
		(cisplatin injection)	
		Preservative-Free Solution	
3220-97	0015-3220-22	50 mg/vial (cartoned),	
		with Cytoshield(R)	\$ 160.68
3220-26	0015-3220-26	50 mg/vial (cartoned)	
		with Cytoshield(R) (VHA Labeled)	\$ 160.68
3221-97	0015-3221-22	100 mg/vial (cartoned),	
		with Cytoshield(R)	\$ 321.34
3221-26	0015-3221-26	100 mg/vial (cartoned),	
		with Cytoshield(R) (VHA Labeled)	\$ 321.34
		TESLAC(R)	
		(testolactone tablets, USP)	
0690-50	0003-0690-50	50 mg tab, btl of 100	\$ 119.52
		VEPESID(R)	
		(etoposide)	
3091-45	0015-3091-45	50 mg cap (blister pack),	
		carton of 20	\$ 647.19
		VUMON(R)	
		(teniposide for Injection Concentrate)	
3075-19	0015-3075-19	50 mg/5 mL, ampule	\$ 144.81
3075-97	0015-3075-97	50 mg/5 mL, 10 ampules	\$1448.10

PRIMARY CARE
BUSPAR (R)

BMY0002379

PLB/007

HIGHLY CONFIDENTIAL
BMS/AWP/000092182

		(buspirone HCl)	
0818-01	0087-0818-41	5 mg tablet, bottle of 100	\$ 56.65
0818-03	0087-0818-43	5 mg tablet, UD box of 100	\$ 62.02
0818-04	0087-0818-44	5 mg tablet, bottle of 500	\$ 275.39
0819-01	0087-0819-41	10 mg tablet, bottle of 100	\$ 98.79
0819-03	0087-0819-43	10 mg tablet, UD box of 100	\$ 108.25
0819-04	0087-0819-44	10 mg tablet, bottle of 500	\$ 480.19
		BUSPAR(R) DIVIDOSE(R)	
		(buspirone HCl, USP)	
0822-32	0087-0822-32	15 mg tablet, bottle of 60	\$ 89.87
0822-33	0087-0822-33	15 mg tablet, bottle of 180	\$ 265.70
		PRAVACHOL(R)	
		(pravastatin sodium tablets)	
5154-05	0003-5154-05	10 mg tablet, bottle of 90	\$ 144.78
5154-06	0003-5154-06	10 mg tablet, UD, pack 100	\$ 163.73
5178-05	0003-5178-05	20 mg tablet, bottle of 90	\$ 155.88
5178-06	0003-5178-06	20 mg tablet, UD, pack of 100	\$ 176.33
5178-75	0003-5178-75	20 mg tablet, bottle of 1000	\$ 1732.20
5194-10	0003-5194-10	40 mg tablet, bottle of 90	\$ 256.25

To facilitate transition to the new prices, a Special Buy-In will be offered to your organization for those products affected by the price increase. The buy-in order forms will be mailed to your pharmaceutical buyer by Express Mail. The buy-in order forms must be received by our Customer Service and Order Management Department no later than March 20, 1998.

Bristol-Myers Squibb U.S. Pharmaceutical Group appreciate your continued support and cooperation.

BRISTOL-MYERS SQUIBB U.S. PHARMACEUTICAL GROUP

BMV0002380

PLB/007

HIGHLY CONFIDENTIAL
BMS/AWP/000092183

Job No. 065-003A

TO: OFFICE BASED ONCOLOGY PHYSICIANS

SUBJECT: BRISTOL-MYERS SQUIBB ONCOLOGY/IMMUNOLOGY PRICE INCREASE

Effective March 11, 1998, Bristol-Myers Squibb Oncology/Immunology will adjust prices for selected products. The revised prices listed below are being supplied to you in the most expedient manner, so you may update your records accordingly.

All orders transmitted or received on or after March 11, 1998 will be invoiced at the new prices.

To facilitate transition to the new prices, we are offering an automatic two week credit adjustment for those items affected by the price increase. There is no action required on your part to take advantage of the credit. Oncology Therapeutics Network will issue a credit to your account, calculated using a six month average of purchases at prices in effect prior to March 11, 1998.

ITEM NO.	NDC NO.	PRODUCT DESCRIPTION	PHYSICIAN PRICE PER UNIT
BRISTOL-MYERS SQUIBB ONCOLOGY/IMMUNOLOGY			
		BICNU(R) (carmustine (BCNU))	
3012-97	0015-3012-38	100 mg/vl, 3 mL diluent/vl	\$ 73.52
		CCNU(R) lomustine (CCNU)	
3034-10	0015-3034-10	Dose-Pack	\$ 72.19
3030-20	0015-3030-20	Stock Package (cartoned), 10 mg cap, btl of 20	\$ 78.15
3031-20	0015-3031-20	Stock Package (cartoned), 40 mg cap, btl of 20	\$ 235.37
3032-20	0015-3032-20	Stock Package (cartoned), 100 mg cap, btl of 20	\$ 447.44
		CYTOXAN(R) TABLETS (cyclophosphamide tablets, USP)	
0504-01	0015-0504-01	25 mg tab, btl of 100	\$ 143.19
0503-01	0015-0503-01	50 mg tab, btl of 100	\$ 262.79
0503-02	0015-0503-02	50 mg tab, btl of 1000	\$2502.97

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	IFEX(R) AND MESNEX(R)	
	(sterile ifosfamide) and (mesna) injection	
	Combo-Packs	
3556-26 0015-3556-26	5-1 g single dose vls Ifex	
	3-1 g multidose vls Mesnex	\$ 685.80
3564-15 0015-3564-15	2-3 g single dose vls Ifex	
	6-1 g multidose vls Mesnex	\$ 994.24
3554-27 0015-3554-27	10-1 g single dose vls Ifex	
	10-1 g multidose vls Mesnex	\$1657.16
	Mesnex(R) Vials	
3563-02 0015-3563-02	1-1 g multidose vial Mesnex	\$ 128.72
3563-03 0015-3563-03	10-1 g multidose vls Mesnex	\$1287.20
	LYSODREN(R)	
	(mitotane tablets, USP)	
3080-60 0015-3080-60	500 mg tab, btl of 100	\$ 189.22
	MEGACE(R) ORAL SUSPENSION	
	(40 mg of megestrol acetate/mL)	
0508-02 0015-0508-42	240 mL btl (8 fl. oz)	\$ 101.51
	PARAPLATIN(R)	
	(carboplatin for injection)	
3213-30 0015-3213-30	50 mg/vial (cartoned)	\$ 73.93
3214-30 0015-3214-30	150 mg/vial (cartoned)	\$ 221.75
3215-30 0015-3215-30	450 mg/vial (cartoned)	\$ 665.25
	PLATINOL(R)-AQ	
	(cisplatin injection)	
	Preservative-Free Solution	
3220-97 0015-3220-22	50 mg/vial (cartoned),	
	with Cytoshield(R)	\$ 154.25
3221-97 0015-3221-22	100 mg/vial (cartoned),	
	with Cytoshield(R)	\$ 308.49
	TESLAC(R)	
	(testolactone tablets, USP)	
0690-50 0003-0690-50	50 mg tab, btl of 100	\$ 114.74
	VEPESID(R)	
	(etoposide)	
3091-45 0015-3091-45	50 mg cap (blister pack),	
	carton of 20	\$ 621.30
	VUMON(R)	
	(teniposide for Injection Concentrate)	
3075-19 0015-3075-19	50 mg/5 mL, ampule	\$ 139.02
3075-97 0015-3075-97	50 mg/5 mL, 10 ampules	\$1390.20

If you have any questions regarding the price increase or the credit adjustment, please contact Oncology Therapeutics Network at 1-800-482-6700.

We at Bristol-Myers Squibb U.S. Pharmaceutical Group appreciate your business and continued support.

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BRISTOL-MYERS SQUIBB U.S. PHARMACEUTICAL GROUP

BMV0002383

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BMS/AWP/000092186

EXHIBIT 3



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Cathy Gutgesell
Fax#: 415-827-4578
Re: Price Adjustment Notification
Date: June 12, 1998
Pages: 6, including cover sheet.

Dear Cathy:

Effective June 12, 1998 Bristol-Myers Squibb U.S. Pharmaceutical Group has increased prices on selected products. These products can be found on the price lists entitled Apothecon®, Primary Care and Westwood Squibb™ Pharmaceuticals, Inc.

The pages which follow contain the updated pricing for the affected products. Please use this information to update the National Drug Data Files.

Please supply AWP's for these products once the information has been processed through your database.

If you do not receive all of these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Barbara

From the desk of...

Barbara Goetz

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4780

Fax 609 897 5996

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FOIA Confidential**

BMS - 0009041

BMY/PLB/0071075/00000002

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BMSAWP/0000468

PRICE INCREASE NOTIFICATION OF JUNE 12, 1998

Effective June 12, 1998 Bristol-Myers Squibb U.S. Pharmaceuticals has increased prices on selected products. These products may be found on the price lists entitled Apothecan, Primary Care and Westwood Squibb™ Pharmaceuticals, Inc.

Listed below are the products affected by the price increase, along with their revised prices. Please use this information to update the National Drug Data Files.

ITEM NO.	NDC NO.	PRODUCT DESCRIPTION APOTHECON	WHOLESALE PRICE PER UNIT	DIRECT PRICE PER UNIT
		DESYREL® (trazodone HCl) tablets, USP)		
0773-01	0087-0773-41	50 mg tablet, btl of 100	\$ 138.48	\$145.77
0773-02	0087-0773-42	50 mg tablet, UD box of 100	\$ 147.57	\$155.34
0773-03	0087-0773-43	50 mg tablet, btl of 1000	\$1203.26	\$1266.59
0776-01	0087-0776-41	100 mg tablet, btl of 100	\$ 241.99	\$254.73
0776-03	0087-0776-43	100 mg tablet, btl of 1000	\$2102.74	\$2213.41
		DESYREL® DIVIDOSE® (trazodone HCl tablets, USP)		
0778-03	0087-0778-43	150 mg tablet, btl of 100	\$ 208.48	\$219.45
0778-04	0087-0778-44	150 mg tablet, btl of 500	\$ 979.83	\$1031.40
0796-01	0087-0796-41	300 mg tablet, btl of 100	\$ 371.06	\$390.59
		DICLOXACILLIN SODIUM CAPSULES, USP		
36048-1	59772-6048-1	250 mg capsule, bottle of 100	\$ 32.88	\$ 34.61
36058-1	59772-6058-1	500 mg capsule, bottle of 500	\$ 52.17	\$ 62.28
		KENALOG® (triamcinolone acetonide topical aerosol USP)		
0501-62	0003-0501-62	63 g. Spray Aerosol Can	\$ 22.94	\$24.15
		KENALOG® (triamcinolone acetonide cream, USP)		
0506-20	0003-0506-20	0.1%, Cream, 15 g tube	\$ 10.37	\$10.92
0506-46	0003-0506-46	0.1%, Cream, 60 g tube	\$ 25.27	\$26.60
0506-49	0003-0506-49	0.1%, Cream, 80 g tube	\$ 30.56	\$32.17
0506-89	0003-0506-89	0.1%, Cream, 2.38 kg jar	\$131.94	\$138.88
1483-20	0003-1483-20	0.5%, Cream, 20 g tube	\$ 34.52	\$36.34
		KENALOG® (triamcinolone acetonide lotion, USP)		
0173-60	0003-0173-60	0.025%, Lotion, 60 mL bottle	\$ 29.05	\$30.58
0502-70	0003-0502-70	0.1%, Lotion, 60 mL bottle	\$ 32.61	\$34.33
		KENALOG® (triamcinolone acetonide ointment, USP)		
0508-20	0003-0508-20	0.1%, Ointment, 15 g tube	\$ 10.36	\$10.91

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0508-56	0003-0508-56	0.1% Ointment, 60 g tube	\$ 25.01	\$26.33
0508-60	0003-0508-60	0.1% Ointment, 240 g jar	\$ 88.88	\$93.56
KENALOG IN ORABASE® (triamcinolone acetonide dental paste, USP)				
0496-20	0003-0496-20	0.1%, 5 g tube	\$ 11.63	\$12.24
KLOTRIX® (potassium chloride) Slow-Release Tablet, 10 mEq				
0770-01	0087-0770-41	Bottle of 100	\$ 22.93	\$24.14
0770-03	0087-0770-43	Box of 100 Unit Dose	\$ 27.69	\$29.15
0770-02	0087-0770-42	Bottle of 1000	\$222.26	\$233.56
K-LYTE® (potassium supplement, 25 mEq) Lime Tablet				
0760-01	0087-0760-01	Box of 30 tablets	\$ 27.45	\$28.89
0760-03	0087-0760-43	Box of 100 tablets	\$ 86.85	\$91.42
Orange Tablet				
0761-01	0087-0761-01	Box of 30 tablets	\$ 27.45	\$28.89
0761-03	0087-0761-43	Box of 100 tablets	\$ 86.85	\$91.42
0761-06	0087-0761-02	Box of 250 tablets	\$205.60	\$216.42
K-LYTE® DS (potassium supplement, 50 mEq) Orange Tablet				
0771-01	0087-0771-41	Box of 30 tablets	\$ 49.41	\$52.01
0771-02	0087-0771-42	Box of 100 tablets	\$148.20	\$156.00
K-LYTE/CL® (potassium chloride supplement, 25 mEq) Citrus Tablet				
0766-01	0087-0766-41	Box of 30 tablets	\$ 27.45	\$28.89
0766-03	0087-0766-43	Box of 100 tablets	\$ 86.85	\$91.42
Fruit Punch Tablet				
0767-01	0087-0767-41	Box of 30 tablets	\$ 27.45	\$28.89
0767-03	0087-0767-43	Box of 100 tablets	\$ 86.85	\$91.42
K-LYTE/CL® 50 (potassium chloride supplement, 50 mEq) Citrus Tablet				
0758-01	0087-0758-41	Box of 30 tablets	\$ 49.41	\$52.01
MYCOLOG®-II (nystatin and triamcinolone acetonide cream, USP)				
0566-30	0003-0566-30	15 g tube, Cream	\$ 13.67	\$14.39
0566-60	0003-0566-60	30 g tube, Cream	\$ 23.11	\$24.33
0566-65	0003-0566-65	60 g tube, Cream	\$ 39.56	\$41.64
MYCOLOG®-II (nystatin and triamcinolone acetonide ointment, USP)				
0466-30	0003-0466-30	15 g tube, Ointment	\$ 13.67	\$14.39
0466-60	0003-0466-60	30 g tube, Ointment	\$ 23.11	\$24.33
0466-65	0003-0466-65	60 g tube, Ointment	\$ 39.56	\$41.64

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0580-53	0003-0580-53	MYCOSTATIN® (nystatin tablets, USP) 500,000 U tablets, bot of 100	\$ 50.24	\$50.24
0588-60	0003-0588-60	MYCOSTATIN® (nystatin for oral suspension, USP) 100,000 U/mL, oral susp., 60 mL	\$ 19.83	\$19.83
0588-10	0003-0588-10	100,000 U/mL, oral susp., 16 oz	\$122.59	\$122.59
5600-60	0015-5600-60	NALDECONE® (Phenylpropanolamine HCl, Phenylephrine HCl, Phenyltoloxamine citrate, Chlorpheniramine maleate)		
5600-80	0015-5600-80	Bottle of 100 tablets	\$ 88.97	\$93.65
5601-60	0015-5601-60	Bottle of 500 tablets	\$432.90	\$455.68
5616-60	0015-5616-60	16 oz bottle of syrup	\$ 51.86	\$53.85
5615-30	0015-5615-30	16 oz bottle of pediatric syrup	\$ 47.55	\$50.05
		30 mL bottle of pediatric drops	\$ 20.09	\$21.15
0526-20	0003-0526-20	NITRAZINE® Paper (phenolphthalein paper)		
0526-50	0003-0526-50	1 roll (15 feet) with dispenser	\$ 18.43	\$18.43
		1 filled disp. w/4x15 ft refills	\$ 62.62	\$62.62
0643-50	0003-0643-50	NYDRAZID® (isoniazid injection, USP) 100 mg/mL, 10 mL vial	\$13.31	\$13.31
0820-30	0003-0820-30	PROLIXIN® ELIXIR (fluphenazine hydrochloride elixir, USP) 0.5 mg/mL, 60 mL dropper bottle	\$ 16.75	\$17.63
0820-50	0003-0820-50	473 mL bottle	\$133.54	\$140.57
0863-50	0003-0863-50	PROLIXIN® TABLETS (fluphenazine hydrochloride tablets, USP)		
0864-50	0003-0864-50	1 mg tablet, bottle of 100	\$ 76.93	\$80.98
0877-50	0003-0877-50	2.5 mg tablet, bottle of 100	\$109.10	\$114.84
0956-50	0003-0956-50	5 mg tablet, bottle of 100	\$140.73	\$148.14
		10 mg tablet, bottle of 100	\$183.17	\$192.81
0801-10	0003-0801-10	PROLIXIN® ORAL CONCENTRATE (fluphenazine hydrochloride oral solution) 5 mg/mL, 120 mL bottle	\$105.37	\$110.92
0758-30	0003-0758-30	PRONESTYL® (procainamide hydrochloride capsules, USP)		
0756-50	0003-0756-50	250 mg capsule, bottle of 100	\$ 50.95	\$53.63
0757-50	0003-0757-50	375 mg capsule, bottle of 100	\$ 70.65	\$74.37
		500 mg capsule, bottle of 100	\$ 91.74	\$96.57
0431-50	0003-0431-50	PRONESTYL® (procainamide hydrochloride tablets, USP)		
0434-50	0003-0434-50	250 mg tablet, bottle of 100	\$ 50.95	\$53.63
0438-50	0003-0438-50	375 mg tablet, bottle of 100	\$ 70.65	\$74.37
		500 mg tablet, bottle of 100	\$ 91.74	\$96.57
		PRONESTYL-SR® Tablets (procainamide hydrochloride tablets)		

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0775-50	0003-0775-50	500 mg tablet, bottle of 100	\$ 60.92	\$64.13
0813-51	0003-0813-51	SPEC-T® Sore throat/cough suppressant lozenge, carton of 16	\$ 1.81	\$1.81
0841-51	0003-0841-51	Sore throat/decongestant lozenge, carton of 16	\$ 1.81	\$1.81
0848-11	0003-0848-11	Sore throat anesthetic lozenge, carton of 16	\$ 1.81	\$1.81
0543-50	0087-0543-01	VASODILAN® (isoxsuprine Hcl tablets, USP) 10 mg tablet, btl of 100	\$ 28.37	\$29.86
0544-01	0087-0544-01	20 mg tablet, btl of 100	\$ 45.45	\$47.84
PRIMARY CARE				
0232-50	0003-0232-50	CORGARD® (nadolol, USP) 20 mg tablet, btl of 100	\$ 95.59	\$100.62
0232-51	0003-0232-51	20 mg tablet, Unimatic(R) Unit Dose Pack of 100	\$ 103.22	\$108.65
0207-50	0003-0207-50	40 mg tablet, btl of 100	\$ 112.08	\$117.98
0207-53	0003-0207-53	40 mg tablet, Unimatic(R) Unit Dose Pack of 100	\$ 120.96	\$127.33
0207-76	0003-0207-76	40 mg tablet, btl of 1000	\$1,097.87	\$1155.65
0241-50	0003-0241-50	80 mg tablet, btl of 100	\$ 153.67	\$161.76
0241-76	0003-0241-76	80 mg tablet, btl of 1000	\$1,505.16	\$1584.38
0208-50	0003-0208-50	120 mg tablet, btl of 100	\$ 200.28	\$210.82
0246-49	0003-0246-49	160 mg tablet, btl of 100	\$ 222.75	\$234.47
0283-50	0003-0283-50	CORZIDE® (nadolol/bendroflumethiazide, USP) 40 mg/5 mg tablet, btl of 100	\$ 129.14	\$135.94
0284-50	0003-0284-50	80 mg/5 mg tablet, btl of 100	\$ 170.38	\$179.35
0580-11	0087-0580-11	QUESTRAN® (cholestyramine for oral suspension, USP) Powder Box of 60 packets	\$ 80.96	\$85.22
0580-12	0087-0580-05	378 g can	\$ 35.46	\$37.33
0589-03	0087-0589-03	QUESTRAN® Light (cholestyramine for oral suspension, USP) Powder Box of 60 packets	\$ 80.96	\$85.22
0589-01	0087-0589-01	210 g can	\$ 35.46	\$37.33
WESTWOOD-SQUIBB™ PHARMACEUTICALS, INC.				
0260-03	0087-0260-03	DOVONEX® (calcipotriene cream) 0.005%, Cream, 30 g tube	\$ 35.03	\$35.03
0260-06	0087-0260-06	0.005%, Cream, 60 g tube	\$ 70.03	\$70.03
0260-10	0087-0260-10	0.005%, Cream, 100 g tube	\$ 116.73	\$116.73

DOVONEX®

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2540-03	0087-2540-03	(calcipotriene ointment)		
2540-06	0087-2540-06	0.005%, Ointment, 30 g tube	\$ 35.03	\$35.03
2540-10	0087-2540-10	0.005%, Ointment, 60 g tube	\$ 70.03	\$70.03
		0.005%, Ointment, 100 g tube	\$116.73	\$116.73
DOVONEO SCALP SOLUTION				
		(calcipotriene solution)		
1160-06	0072-1160-06	0.005%, Solution, 60 mL bottle	\$ 67.34	\$67.34
LAC-HYDRIN® 12%				
		(ammonium lactate)		
5712-08	0072-5712-08	Lotion, 225 g bottle	\$24.85	\$24.85
5712-14	0072-5712-14	Lotion, 400 g bottle	\$39.12	\$39.12
LAC-HYDRIN® 12%				
		(ammonium lactate cream)		
5730-28	0072-5730-28	Cream, 280 g (2 - 140 g tubes)	\$ 27.02	\$27.02
WESTCORT®				
		(hydrocortisone valerate)		
8100-15	0072-8100-15	0.2% Cream, 15 g tube	\$ 12.16	\$12.16
8100-45	0072-8100-45	0.2% Cream, 45 g tube	\$ 25.22	\$25.22
8100-60	0072-8100-60	0.2% Cream, 60 g tube	\$ 30.34	\$30.34
7800-15	0072-7800-15	0.2% Ointment, 15 g tube	\$ 12.16	\$12.16
7800-45	0072-7800-45	0.2% Ointment, 45 g tube	\$ 25.22	\$25.22
7800-60	0072-7800-60	0.2% Ointment, 60 g tube	\$ 30.34	\$30.34

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BMS - 0009046

BMSAWP/0000473

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Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Connie Westbrook
Fax#: 317-469-5252
Re: Price Adjustment Notification
Date: June 12, 1998
Pages: 6, including cover sheet

Dear Connie:

Effective June 12, 1998 Bristol-Myers Squibb U.S. Pharmaceutical Group has increased prices on selected products. These products can be found on the price lists entitled Apothecon®, Primary Care and Westwood Squibb™ Pharmaceuticals, Inc.

The pages which follow contain the updated pricing for the affected products. Please use this information to update the National Drug Data Files.

Please supply AWP's for these products once the information has been processed through your database.

If you do not receive all of these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Barbara

From the desk of...

Barbara Goetz

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4780
Fax 609 897 5996

BMY/PLB/DD7/075/0000008

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BMS -- 0000047

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P. 1

* * * TRANSMISSION RESULT REPORT (JUN.12.1999 9:22AM) * * *

TTI 689 697 5996

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUN.12.	9:22AM	317 469 5252	TES	2'36"	P. 6	OK		949

* : BATCH
M : MEMORY
S : STANDARD

C : CONFIDENTIAL
L : SEND LATER
D : DETAIL

* : TRANSFER
P : FORWARDING
F : FINE

P : POLLING
E : ECI
> : REDUCTION

BMY/PLB/007/07570000009

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BMS - 0000048

BMSAWP/0000475

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Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Carol Flanagan
Fax#: 201-358-1756
Re: Price Adjustment Notification
Date: June 12, 1998
Pages: 6, including cover sheet.

Dear Carol:

Effective June 12, 1998 Bristol-Myers Squibb U.S. Pharmaceutical Group has increased prices on selected products. These products can be found on the price lists entitled Apothecon®, Primary Care and Westwood Squibb™ Pharmaceuticals, Inc.

The pages which follow contain the updated pricing for the affected products. Please use this information to update the National Drug Data Files.

Please supply AWP's for these products once the information has been processed through your database.

If you do not receive all of these pages or have any questions, please do not hesitate to give me a call.

Thank you.

Barbara

From the desk of...

Barbara Goetz

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4780
Fax: 609 897 5996

BMY/PLB/007/075/0000010

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BMS - 0009049

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BMSAWP/0000476

* * * TRANSMISSION RESULT REPORT (JUN.12.1998 9:36AM) * * *

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS.	NAME	FILE
JUN.12.	9:28AM	REDBOOK	TES	2'08"	P. 6	OK			958

TTI 609 097 5995

B : BATCH
M : MEMORY
S : STANDARD

C : CONFIDENTIAL
L : SEND LATER
D : DETAIL

S : TRANSFER
O : FORWARDING
F : FINE

P : POLLING
E : ECM
> : REDUCTION

BMY/PLB/007075/0000011

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BMS - 0009050

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BMSAWP/0000477

EXHIBIT 4



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Cathy Gulgesell
Fax#: 415-827-4578
Re: Price Adjustment Notification
Date: September 12, 1997
Pages: 6, including cover sheet

Dear *Cathy,*

Effective September 12, 1997, Bristol-Myers Squibb U.S. Pharmaceutical Group is adjusting prices for selected items found on the Apothecon®, Bristol-Myers Squibb Oncology/Immunology and Primary Care price lists.

The pages which follow contain the new prices.

Please supply AWP's for these products once they have been processed through your database.

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Barbara

From the desk of...

Barbara Goetz

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4780

BMV0001423

PLB007

Trade Secret CONFIDENTIAL

BMS10IG/7:000122

HIGHLY CONFIDENTIAL



BMSAWP/0005335

P. 1

* * * TRANSMISSION RESULT REPORT (SEP.11.1997 9:17PM) * * *

FTI 609 097 5996

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS.	NAME	FILE
SEP.11.	9:14PM	415 827 4578	TES	3'22"	P. 6	OK			365

* : BATCH
 M : MEMORY
 S : STANDARD

C : CONFIDENTIAL
 L : SEND LATER
 D : DETAIL

S : TRANSFER
 F : FORWARDING
 F : FINE

P : POLLING
 E : ECH
 > : REDUCTION

BMY0001422

PLB007

Trade Secret CONFIDENTIAL

BMS10IG/7:000123

BMSAWP/0005336

HIGHLY CONFIDENTIAL



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Connie Westbrook
Fax#: 317-469-5252
Re: Price Adjustment Notification
Date: September 12, 1997
Pages: 6, including cover sheet

Dear *Connie*,

Effective September 12, 1997, Bristol-Myers Squibb U.S. Pharmaceutical Group is adjusting prices for selected items found on the Apotheon®, Bristol-Myers Squibb Oncology/Immunology and Primary Care price lists.

The pages which follow contain the new prices.

Please supply AWP's for these products once they have been processed through your database.

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Barbara

From the desk of...

Barbara Goetz

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4780

BMV0001423

PLB/007

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BMSAWP/0005337

P. 1

* * * TRANSMISSION RESULT REPORT (SEP.11.1997 9:12PM) * * *

TTI 609 897 5996

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS.	NAME	FILE
SEP.11.	9:08PM	317 469 5252	TES	3'24"	P. 6	OK			364

B : BATCH
M : MEMORY
S : STANDARD

C : CONFIDENTIAL
L : SEND LATER
D : DETAIL

S : TRANSFER
E : FORWARDING
F : FINE

P : POLLING
E : ECM
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BMSAWP/0005338



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Carol Flanagan
Fax#: 201-358-1756
Re: Price Adjustment Notification
Date: September 12, 1997
Pages: 6, including cover sheet

Dear

Effective September 12, 1997, Bristol-Myers Squibb U.S. Pharmaceutical Group is adjusting prices for selected items found on the Apothecon®, Bristol-Myers Squibb Oncology/Immunology and Primary Care price lists.

The pages which follow contain the new prices.

Please supply AWP's for these products once they have been processed through your database.

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Barbara

From the desk of...

Barbara Goetz

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4780

BMV0001425

PLB/007
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BMS10IG/7:000126

BMSAWP/0005339

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P. 1

* * * TRANSMISSION RESULT REPORT (SEP.11.1997 9:06PM) * * *

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
SEP.11.	9:06PM	REDBOOK	TES	3'15"	P. 6	OK		363

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M : MEMORY
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BMS10IG/7:000127

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HIGHLY CONFIDENTIAL

BRISTOL-MYERS SQUIBB U.S. PHARMACEUTICAL GROUP
PRICE INCREASE
EFFECTIVE SEPTEMBER 12, 1997

BMS NDC Number	Item Number	Product Name	Unit Size/Description	9-12-97 Wholesale Price Per Unit	9-12-97 Direct/Hospital Price Per Unit
0015-3012-38	3012-37	BIGNU®	100 mg/vial, 3 mL diluent/vial	\$74.35	\$74.35
0015-3034-10	3034-10	CEENU®	Dose-Pack	\$73.01	\$73.01
0015-3030-20	3030-20	CEENU®	Stock Package (cartoned), 10 mg capsules, bottle of 20	\$79.04	\$79.04
0015-3031-20	3031-20	CEENU®	Stock Package (cartoned), 40 mg capsules, bottle of 20	\$238.04	\$238.04
0015-3032-20	3032-20	CEENU®	Stock Package (cartoned), 100 mg capsules, bottle of 20	\$452.50	\$452.50
0015-3040-60	3040-60	LYSODRENE®	500 mg tablets, bottle of 100	\$191.38	\$191.38
0015-3213-30	3213-30	PARAPLATIN®	50 mg vial (cartoned)	\$74.77	\$74.77
0015-3214-30	3214-30	PARAPLATIN®	150 mg vial (cartoned)	\$224.28	\$224.28
0015-3215-30	3215-30	PARAPLATIN®	450 mg vial (cartoned)	\$672.79	\$672.79
0015-3220-22	3220-22	PLATINOL®-AQ	50 mg vial (cartoned), with CytosShield®	\$168.00	\$168.00
0015-3220-28	3220-28	PLATINOL®-AQ	50 mg vial (cartoned), with CytosShield® VHA+	\$168.00	\$168.00
0015-3221-22	3221-22	PLATINOL®-AQ	100 mg vial (cartoned), with CytosShield®	\$311.88	\$311.88
0015-3221-28	3221-28	PLATINOL®-AQ	100 mg vial (cartoned)/CytosShield® VHA+	\$311.88	\$311.88
0015-3081-43	3081-43	VEPESID®	50 mg capsules (blister pack), carton of 20	\$628.34	\$628.34
0015-3075-19	3075-19	VUMON®	50 mg/5 mL, ampule	\$140.68	\$140.68
0015-3075-97	3075-97	VUMON®	50 mg/5 mL, ampule (10 ampules)	\$1,406.80	\$1,406.80
0015-0304-01	0304-01	GYTOXAN® TABLETS	25 mg tablets, bottle of 100	\$144.82	\$144.82
0015-0303-01	0303-01	GYTOXAN® TABLETS	50 mg tablets, bottle of 100	\$285.77	\$285.77
0015-0303-02	0303-02	GYTOXAN® TABLETS	50 mg tablets, bottle of 1000	\$2,531.32	\$2,531.32
0015-3658-28	3658-28	IFEX® AND MESNEX®	5-1 g single dose via flex, 3-1 g multidose via Mesnex	\$883.57	\$883.57
0015-3664-16	3664-16	IFEX® AND MESNEX®	2-3 g single dose via flex, 8-1 g multidose via Mesnex	\$1,005.50	\$1,005.50
0015-3654-27	3654-27	IFEX® AND MESNEX®	10-1 g single dose via flex, 10-1 g multidose via Mesnex	\$1,876.93	\$1,876.93
0015-3663-02	3663-02	MESNEX®	1-1 g multidose vial Mesnex	\$130.17	\$130.17
0015-3663-03	3663-03	MESNEX®	10-1 g multidose vial Mesnex	\$1,301.70	\$1,301.70
0015-0308-42	0308-42	MEGACE® ORAL SUSPENSION	8 fl oz bottle	\$88.65	\$88.65
0003-0690-60	0690-60	TESLAC®	50 mg tablets, bottle of 100	\$118.04	\$118.04
0087-0778-41	0778-01	DESYREL®	50 mg tablet, bottle of 100	\$131.89	\$131.89
0087-0778-43	0778-03	DESYREL®	50 mg tablet, bottle of 1000	\$1,146.98	\$1,146.98
0087-0778-42	0778-02	DESYREL®	50 mg tablet, Unit Dose box of 100	\$140.54	\$147.84
0087-0778-41	0778-01	DESYREL®	100 mg tablet, bottle of 100	\$230.47	\$242.80

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BMSAWP/0005341

BRISTOL-MYERS SQUIBB U.S. PHARMACEUTICAL GROUP
PRICE INCREASE
EFFECTIVE SEPTEMBER 12, 1997

BMS NDC Number	Item Number	Product Name	Unit Size/Description	9-12-97 Wholesale Price Per Unit	9-12-97 Direct/Hospital Price Per Unit
0087-0776-43	0776-03	DESYREL®	100 mg tablet, bottle of 1000	\$2,002.61	\$2,108.01
0087-0776-42	0776-02	DESYREL®	100 mg tablet, Unit Dose box of 100	\$246.40	\$258.32
0087-0776-43	0776-03	DESYREL®/IV DOSE®	150 mg tablet, bottle of 100	\$166.56	\$209.00
0087-0776-44	0776-04	DESYREL®/IV DOSE®	150 mg tablet, bottle of 500	\$613.17	\$682.28
0087-0788-41	0788-01	DESYREL®/IV DOSE®	300 mg tablet, bottle of 100	\$350.39	\$371.99
0003-0232-50	0232-50	CORGARD®	20 mg tablet, bottle of 100	\$91.04	\$95.83
0003-0232-51	0232-51	CORGARD®	20 mg tablet, UNIMATIC® Unit Dose Pack of 100	\$96.30	\$103.47
0003-0207-50	0207-50	CORGARD®	40 mg tablet, bottle of 100	\$116.20	\$112.38
0003-0207-53	0207-53	CORGARD®	40 mg tablet, UNIMATIC® Unit Dose Pack of 100	\$104.58	\$110.82
0003-0207-76	0207-76	CORGARD®	80 mg tablet, bottle of 1000	\$143.49	\$154.05
0003-0241-50	0241-50	CORGARD®	80 mg tablet, bottle of 100	\$190.74	\$200.78
0003-0208-76	0208-76	CORGARD®	120 mg tablet, bottle of 1000	\$168.48	\$183.68
0003-0246-49	0246-49	CORGARD®	180 mg tablet, bottle of 100	\$212.14	\$223.31
0003-0283-60	0283-60	CORZIDE®	40 mg/5 mg tablet, bottle of 100	\$122.89	\$129.46
0003-0284-60	0284-60	CORZIDE®	80 mg/5 mg tablet, bottle of 100	\$162.27	\$170.81
0003-0428-50	0428-50	FLORINEF® ACETATE	0.1 mg tablet, bottle of 100	\$42.45	\$42.46
0003-0501-82	0501-82	KENALOG®	63 g, Spray Aerosol Can	\$21.85	\$23.00
0003-0508-20	0508-20	KENALOG®	0.1% Cream, 15 g tube	\$9.88	\$10.40
0003-0508-48	0508-48	KENALOG®	0.1% Cream, 60 g tube	\$24.07	\$25.34
0003-0508-49	0508-49	KENALOG®	0.1% Cream, 80 g tube	\$28.10	\$30.03
0003-0508-89	0508-89	KENALOG®	0.1% Cream, 2.38 g jar	\$125.88	\$132.27
0003-1483-20	1483-20	KENALOG®	0.5% Cream, 20 g tube	\$32.88	\$34.81
0003-0173-60	0173-60	KENALOG®	0.025% Lotion, 60 mL bottle	\$27.67	\$28.13
0003-0502-70	0502-70	KENALOG®	0.1% Lotion, 60 mL bottle	\$31.06	\$32.69
0003-0608-20	0608-20	KENALOG®	0.1% Ointment, 16 g tube	\$9.87	\$10.39
0003-0608-48	0608-48	KENALOG®	0.1% Ointment, 80 g tube	\$23.82	\$25.07
0003-0608-60	0608-60	KENALOG®	0.1% Ointment, 240 g jar	\$34.65	\$39.11
0003-0488-20	0488-20	KENALOG IN ORABASE®	0.1%, 6 g tube	\$11.08	\$11.66
0003-0484-10	0484-10	KENALOG®-10	10 mg/mL, 6 mL vial	\$8.25	\$8.25
0003-0783-08	0283-05	KENALOG®-40	40 mg/mL, 1 mL vial	\$4.84	\$4.84
0003-0783-20	0283-20	KENALOG®-40	40 mg/mL, 6 mL vial	\$20.45	\$20.46
0003-0783-28	0283-28	KENALOG®-40	40 mg/mL, 10 mL vial	\$38.65	\$38.85

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BMSAWP/0005342

BRISTOL-MYERS SQUIBB U.S. PHARMACEUTICAL GROUP
PRICE INCREASE
EFFECTIVE SEPTEMBER 12, 1997

BM6 NDC Number	Item Number	Product Name	Unit Size/Description	8-12-97 Wholesale Price Per Unit	9-12-97 Direct Hospital Price Per Unit
0087-0770-41	0770-01	KLOTRIX®	Bottle of 100	\$21.84	\$22.89
0087-0770-43	0770-03	KLOTRIX®	Box of 100 Unit Dose	\$26.37	\$27.76
0087-0770-42	0770-02	KLOTRIX®	Bottle of 1000	\$211.88	\$222.82
0087-0760-01	0760-01	K-LYTE®	Box of 30 tablets	\$25.14	\$27.52
0087-0760-43	0760-08	K-LYTE®	Box of 100 tablets	\$82.71	\$87.08
0087-0761-01	0761-01	K-LYTE®	Box of 30 tablets	\$28.14	\$27.62
0087-0761-43	0761-08	K-LYTE®	Box of 100 tablets	\$82.71	\$87.08
0087-0761-02	0761-06	K-LYTE®	Box of 250 tablets	\$185.81	\$206.12
0087-0771-41	0771-01	K-LYTE® DS	Box of 30 tablets	\$47.08	\$48.64
0087-0771-42	0771-02	K-LYTE® DS	Box of 100 tablets	\$141.14	\$148.67
0087-0766-41	0766-01	K-LYTE/CL®	Box of 30 tablets	\$28.14	\$27.52
0087-0766-43	0766-03	K-LYTE/CL®	Box of 100 tablets	\$82.71	\$87.08
0087-0767-41	0767-01	K-LYTE/CL®	Box of 30 tablets	\$28.14	\$27.52
0087-0767-43	0767-03	K-LYTE/CL®	Box of 100 tablets	\$82.71	\$87.08
0087-0768-41	0768-01	K-LYTE/CL 50	Box of 30 tablets	\$96.35	\$99.54
0087-0572-03	0572-08	MUCOMYST®-10	4 mL Vial, Unit Dose, box of 12	\$57.90	\$101.42
0087-0572-01	0572-01	MUCOMYST®-10	10 mL vial, box of 3	\$157.08	\$166.32
0087-0572-02	0572-02	MUCOMYST®-10	30 mL vial, box of 3	\$116.85	\$121.74
0087-0570-07	0570-08	MUCOMYST®	4 mL Vial, Unit Dose, box of 12	\$89.24	\$92.88
0087-0570-03	0570-03	MUCOMYST®	10 mL vial, box of 3	\$189.71	\$199.89
0087-0570-08	0570-08	MUCOMYST®	30 mL vial box of 3	\$13.02	\$13.71
0003-0565-30	0565-30	MYCOLOG®-II	15 g tube, Cream	\$22.01	\$23.17
0003-0565-40	0565-40	MYCOLOG®-II	30 g tube, Cream	\$37.88	\$38.66
0003-0566-85	0566-85	MYCOLOG®-II	40 g tube, Cream	\$13.02	\$13.71
0003-0466-30	0466-30	MYCOLOG®-II	15 g tube, Ointment	\$22.01	\$23.17
0003-0466-40	0466-40	MYCOLOG®-II	30 g tube, Ointment	\$37.88	\$39.86
0003-0466-85	0466-85	MYCOLOG®-II	60 g tube, Ointment	\$47.86	\$47.86
0003-0580-53	0580-53	MYCOSTATIN®	500,000 U tablets, bottle of 100	\$18.89	\$18.89
0003-0588-40	0588-40	MYCOSTATIN®	100,000 U/mL, oral suspension 60 mL	\$116.76	\$116.76
0003-0588-10	0588-10	MYCOSTATIN®	100,000 U/mL, oral suspension 16 oz	\$84.73	\$89.18
0015-5600-40	5600-40	NALDECON®	Bottle of 100 tablets	\$412.29	\$433.99
0015-5600-60	5600-60	NALDECON®	Bottle of 500 tablets		

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BMSAWP/0005343

BRISTOL-MYERS SQUIBB U.S. PHARMACEUTICAL GROUP
PRICE INCREASE
EFFECTIVE SEPTEMBER 12, 1997

BMS NDC Number	Item Number	Product Name	Unit Size/Description	8-12-97 Wholesale Price Per Unit	9-12-97 Direct Hospital Price Per Unit
0015-5601-60	5601-60	NALDECON®	16 oz bottle of syrup	\$48.72	\$51.28
0015-5618-60	5618-60	NALDECON®	16 oz bottle of pediatric syrup	\$45.29	\$47.97
0015-5618-30	5615-30	NALDECON®	30 mL bottle of pediatric drops	\$18.13	\$20.14
0003-0606-50	0606-50	NATURETIN®-5	6 mg tablet, bottle of 100	\$76.42	\$80.44
0003-0618-50	0618-50	NATURETIN®-10	10 mg tablet, bottle of 100	\$117.61	\$123.60
0003-0611-50	0611-50	NIACIN TABLETS, USP	50 mg tablet, bottle of 100	\$1.48	\$1.48
0003-0612-50	0612-50	NIACIN TABLETS, USP	100 mg tablet, bottle of 100	\$1.73	\$1.73
0003-0637-50	0537-50	NIACIN TABLETS, USP	500 mg tablet, bottle of 100	\$5.61	\$6.61
0003-0628-20	0628-20	NITRAZINE® PAPER	1 roll (15 feet) with dispenser	\$77.55	\$17.65
0003-0628-30	0628-30	NITRAZINE® PAPER	1 roll (15 feet) with dispenser	\$58.64	\$59.64
0003-0644-30	0644-30	OPHTHRAINE®	15 mL bottle	\$14.30	\$14.30
0003-0669-16	0669-16	PROLIXIN DECANOATE®	25 mg/mL, 8 mL vial	\$93.38	\$98.27
0003-0569-02	0569-02	PROLIXIN DECANOATE®	25 mg/mL, 1 dose (1 mL) in Unimatic® single-dose syringe	\$20.84	\$22.04
0003-0820-30	0820-30	PROLIXIN® ELIXIR	0.5 mg/mL, 60 mL dropper bottle	\$15.95	\$16.79
0003-0820-50	0820-50	PROLIXIN® ELIXIR	473 mL bottle	\$127.18	\$133.87
0003-0824-05	0824-05	PROLIXIN ENANTHATE®	25 mg/mL, 6 mL vial	\$85.83	\$100.66
0003-0566-50	0566-50	PROLIXIN® INJECTION	2.5 mg/mL, 10 mL	\$51.22	\$53.92
0003-0883-50	0883-50	PROLIXIN® TABLETS	1 mg tablet, bottle of 100	\$73.27	\$77.15
0003-0884-50	0884-50	PROLIXIN® TABLETS	2.5 mg tablet, bottle of 100	\$103.80	\$109.37
0003-0877-50	0877-50	PROLIXIN® TABLETS	5 mg tablet, bottle of 100	\$134.03	\$141.08
0003-0856-50	0856-50	PROLIXIN® TABLETS	10 mg tablet, bottle of 100	\$174.46	\$183.63
0003-0601-10	0601-10	PROLIXIN® ORAL CONCENTRATE	6 mg/mL, 120 mL bottle	\$100.35	\$105.63
0003-0756-50	0756-50	PRONESTYL®	250 mg capsule, bottle of 100	\$48.52	\$51.07
0003-0767-50	0767-50	PRONESTYL®	375 mg capsule, bottle of 100	\$67.29	\$70.83
0003-0431-60	0431-50	PRONESTYL®	500 mg capsule, bottle of 100	\$87.37	\$91.07
0003-0434-50	0434-50	PRONESTYL®	250 mg tablet, bottle of 100	\$48.82	\$51.07
0003-0438-50	0438-50	PRONESTYL®	375 mg tablet, bottle of 100	\$67.29	\$70.83
			600 mg tablet, bottle of 100	\$87.37	\$91.07
0003-0759-20	0759-20	PRONESTYL® INJECTION	100 mg/mL, 10 mL vial	\$32.80	\$34.53
0003-1443-04	1443-04	PRONESTYL® INJECTION	500 mg/mL, 2 mL vial	\$32.80	\$34.53
0003-0776-50	0775-50	PRONESTYL-SR® TABLETS	500 mg tablet, bottle of 100	\$58.02	\$61.07
0003-0789-51	0789-51	RAUZID® TABLETS	Bottle of 100	\$102.17	\$107.55
0003-0813-51	0813-51	SPEC-10	1500 throat/cough suppressant lozenges, carton of 10	\$1.72	\$1.72

PLB/007

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BMSAWP/0005344

BRISTOL-MYERS SQUIBB U.S. PHARMACEUTICAL GROUP
PRICE INCREASE
EFFECTIVE SEPTEMBER 12, 1987

BMS NDC Number	Item Number	Product Name	Unit Size/Description	9-12-87 Wholesale Price Per Unit	8-12-87 Direct/Hospital Price Per Unit
0003-0841-51	0841-51	SPEC-T®	Sore throat/analgesic lozenges, carton of 16	\$1.72	\$1.72
0003-0848-11	0848-11	SPEC-T®	Sore throat analgesic lozenges, carton of 16	\$1.72	\$1.72
0003-0853-45	0853-45	SUMYCIN®	250 mg tablet, bottle of 100	\$6.08	\$5.32
0003-0853-75	0853-75	SUMYCIN®	250 mg tablet, bottle of 100	\$46.82	\$49.23
0003-0853-43	0853-43	SUMYCIN®	500 mg tablet, bottle of 100	\$9.82	\$10.34
0003-0853-50	0853-50	SUMYCIN®	500 mg tablet, bottle of 500	\$45.24	\$47.82
0003-0853-40	0853-40	THERAGRAN HEMATINIC®	Bottle of 80 tablets	\$27.83	\$27.83
0087-0543-01	0543-01	VASODILAN®	10 mg tablet, bottle of 100	\$27.02	\$28.44
0087-0544-01	0544-01	VASODILAN®	20 mg tablet, bottle of 100	\$43.28	\$45.57
PRIMARY CARE					
0003-0450-54	0450-54	CAPOTEN®	12.5 mg tablet, bottle of 100	\$60.37	\$63.55
0003-0450-51	0450-51	CAPOTEN®	12.5 mg tablet, UNIMATIC® Unit Dose Pack of 100	\$60.28	\$63.45
0003-0450-75	0450-75	CAPOTEN®	12.5 mg tablet, bottle of 1000	\$397.40	\$428.84
0003-0450-08	0450-08	CAPOTEN®	12.5 mg tablet, bottle of 5000	\$3,138.38	N/A
0003-0452-50	0452-50	CAPOTEN®	25 mg tablet, bottle of 100	\$65.28	\$68.88
0003-0452-51	0452-51	CAPOTEN®	25 mg tablet, UNIMATIC® Unit Dose Pack of 100	\$65.77	\$69.23
0003-0452-75	0452-75	CAPOTEN®	25 mg tablet, bottle of 1000	\$445.98	\$479.88
0003-0452-08	0452-08	CAPOTEN®	25 mg tablet, bottle of 5000	\$3,391.39	N/A
0003-0482-51	0482-51	CAPOTEN®	50 mg tablet, bottle of 100	\$111.92	\$117.81
0003-0482-50	0482-50	CAPOTEN®	50 mg tablet, UNIMATIC® Unit Dose Pack of 100	\$111.85	\$117.77
0003-0482-75	0482-75	CAPOTEN®	50 mg tablet, bottle of 1000	\$1,107.37	\$1,165.56
0003-0482-08	0482-08	CAPOTEN®	50 mg tablet, bottle of 5000	\$5,813.70	N/A
0003-0485-50	0485-50	CAPOTEN®	100 mg tablet, bottle of 100	\$148.04	\$168.88
0087-6060-05	6060-05	GLUCOPHAGE®	600 mg tablet, bottle of 100	\$44.81	\$48.88
0087-6070-05	6070-05	GLUCOPHAGE®	800 mg tablet, bottle of 100	\$76.84	\$78.83
0087-0580-11	0580-11	QUESTRAN®	Box of 60 packets (each containing 4 g of cholestyramine)	\$77.10	\$81.16
0087-0580-05	0580-05	QUESTRAN®	378 g can (168 g cholestyramine)	\$33.77	\$35.56
0087-0580-03	0580-03	QUESTRAN® LIGHT	Box of 60 packets (each containing 4 g of cholestyramine)	\$77.10	\$81.16
0087-0580-01	0580-01	QUESTRAN® LIGHT	210 g can (168 g cholestyramine)	\$33.77	\$35.56
0087-5680-11	5680-11	STADOL NS®	10 mg/ml, 2.5 mL bottle	\$55.59	\$58.52

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BMS10IG/7:000132

HIGHLY CONFIDENTIAL

BMSAWP/0005345



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Carol Flanagan
Fax#: 201-358-1756
Re: Price Adjustment Notification
Date: September 16, 1997
Pages: 1, including cover sheet.

Dear Carol:

Listed below are the new wholesale prices for two Ifex® products which were affected by the September 12, 1997 price increase.

Please supply AWP's for these products once they have been processed through your database.

<u>NDC No.</u>	<u>Product and Unit Size</u>	<u>Wholesale Price Per Unit</u>
0015-0556-41	Ifex® 1 g vial	\$ 100.19
0015-0557-41	Ifex® 3 g vial	\$ 300.57

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Barbara

From the desk of...

Barbara Goetz

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4780
Fax: 609 897 5996

BMVD001432

PLB/007
Trade Secret CONFIDENTIAL

BMS10IG/7:000133

HIGHLY CONFIDENTIAL

BMSAWP/0005346

P. 1

* * * TRANSMISSION RESULT REPORT (SEP.16.1997 9:36AM) * * *

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
SEP.16.	9:35AM	REDBOOK	YES	0'18"	P. 1	OK		382

B : BATCH
M : MEMORY
S : STANDARD

C : CONFIDENTIAL
L : SEND LATER
D : DETAIL

S : TRANSFER
F : FORWARDING
F : FINE

P : POLLING
E : ECH
> : REDUCTION

BMY0001433

PLB/007
Trade Secret CONFIDENTIAL

BMS1OIG/7:000134

BMSAWP/0005347

HIGHLY CONFIDENTIAL



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Connie Westbrook
Fax#: 317-469-5252
Re: Price Adjustment Notification
Date: September 16, 1997
Pages: 1, including cover sheet.

Dear Connie:

Listed below are the new wholesale prices for two Hexo products which were affected by the September 12, 1997 price increase.

Please supply AWP's for these products once they have been processed through your database.

NDC No.	Product and Unit Size	Wholesale Price Per Unit
0015-0556-41	Hexo 1 g vial	\$ 100.19
0015-0557-41	Hexo 3 g vial	\$ 300.57

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Barbara

From the desk of...

Barbara Goetz

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4780

Fax 609 897 5996

BNY0001434

PLEB007
Trade Secret CONFIDENTIAL

BMS10IG/7:000135

HIGHLY CONFIDENTIAL

BMSAWP/0005348

* * * TRANSMISSION RESULT REPORT (SEP.16.1997 9:38AM) * * *

P. 1

TTI 689 897 5996

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS.	NAME	FILE
SEP.16.	9:38AM	317 469 5252	TES	8'27"	P. 1	OK			389

B : BATCH
M : MEMORY
S : STANDARD

C : CONFIDENTIAL
L : SEND LATER
D : DETAIL

S : TRANSFER
O : FORWARDING
F : FINE

P : POLLING
E : ECH
> : REDUCTION

BMY0001435

PLB/007
Trade Secret CONFIDENTIAL

BMSIOIG/7:000136

HIGHLY CONFIDENTIAL

BMSAWP/0005349



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Cathy Gulgesell
Fax#: 415-827-4578
Re: Price Adjustment Notification
Date: September 16, 1997
Pages: 1, including cover sheet

Dear Cathy:

Listed below are the new wholesale prices for two Ifex® products which were affected by the September 12, 1997 price increase.

Please supply AWP's for these products once they have been processed through your database.

<u>NDC No.</u>	<u>Product and Unit Size</u>	<u>Wholesale Price Per Unit</u>
0015-0556-41	Ifex® 1 g vial	\$ 100.19
0015-0557-41	Ifex® 3 g vial	\$ 300.57

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Barbara

From the desk of...

Barbara Goetz

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4780
Fax: 609 897 5996

BM70001436

PLB/007
Trade Secret CONFIDENTIAL

BMSIOIG/7:000137

BMSAWP/0005350

HIGHLY CONFIDENTIAL

P. 1

* * * TRANSMISSION RESULT REPORT (SEP.16.1997 9:48AM) * * *

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
SEP.16.	9:39AM	415 827 4578	TES	8'26"	P. 1	OK		384

* : BATCH
 M : MEMORY
 S : STANDARD

C : CONFIDENTIAL
 L : SEND LATER
 D : DETAIL

S : TRANSFER
 F : FORWARDING
 F : FINE

P : POLLING
 E : ECM
 > : REDUCTION

BMV0001437

 PLB/007
 Trade Secret CONFIDENTIAL

BMS10IG/7:000138

BMSAWP/0005351

HIGHLY CONFIDENTIAL

EXHIBIT 5


Bristol-Myers Squibb Company

U.S. Pharmaceutical Operations

P.O. Box 4500 Princeton, NJ 08543-4500 609 897-2000

September 7, 1993

WYNDY JONES
 MEDISPAN
 425 WOODFIELD CROSSING BLVD.
 INDIANAPOLIS IN 46240-0930

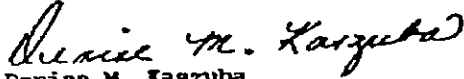
Dear Wyndy:

Bristol-Myers Oncology Division has introduced **VEPESID®** 150 mg vial. Listed below is the specific product information necessary to establish the AVERAGE WHOLESALE PRICE (AWP). The product was first sold JULY 9, 1993.

ITEM NUMBER	NDC NUMBER	PRODUCT DESCRIPTION	WHOLESALE PRICE	DIRECT PRICE
3084-20	(0015) 3084-20	Vepesid® (atoposide VP-16 injection) 150 mg/vial	\$163.79	\$163.79

If you require additional information, I may be reached at 609-897-4741.

Thank you,


 Denise M. Kaszuba
 Sr. Pricing Analyst

DMK/td

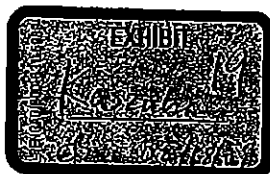
BMS:5:000619

TRADE SECRET/CONFIDENTIAL

BMS4CA/002360

BMSAWP/0030828

HIGHLY CONFIDENTIAL





Bristol-Myers Squibb Company

U.S. Pharmaceutical Operations

P.O. Box 4500 Princeton, NJ 08543-4500 609 897-2000

September 7, 1993

BETH RADER
FIRST DATA BANK
1111 BAYHILL DR.
SUITE 350
SAN BRUNO CA 94066

Dear Beth:

Bristol-Myers Oncology Division has introduced **VEPESID®** 150 mg vial. Listed below is the specific product information necessary to establish the AVERAGE WHOLESALE PRICE (AWP). The product was first sold JULY 9, 1993.

ITEM NUMBER	NDC NUMBER	PRODUCT DESCRIPTION	WHOLESALE PRICE	DIRECT PRICE
		Vepesid® (etoposide VP-16 injection)		
3084-20	3084-20 (0015)	150 mg/vial	\$163.79	\$163.79

If you require additional information, I may be reached at 609-897-4741.

Thank you,

Denise M. Kaszuba
Denise M. Kaszuba
Sr. Pricing Analyst

DMK/td

BMS:5:000020

BMS4CA/002361

TRADE SECRET/CONFIDENTIAL

BMSAWP/0030829

HIGHLY CONFIDENTIAL


Bristol-Myers Squibb Company

U.S. Pharmaceutical Operations

P.O. Box 4500 Princeton, NJ 08543-4500 609 897-2000

September 7, 1993

ENID OLAYAN
 MEDICAL ECONOMICS DATA
 5 PARAGON DR.
 MONTVALE NJ 07645-1742

Dear Enid:

Bristol-Myers Oncology Division has introduced **VEPESID®** 150 mg vial. Listed below is the specific product information necessary to establish the **AVERAGE WHOLESALE PRICE (AWP)**. The product was first sold **JULY 9, 1993**.

<u>ITEM NUMBER</u>	<u>NDC NUMBER</u>	<u>PRODUCT DESCRIPTION</u>	<u>WHOLESALE PRICE</u>	<u>DIRECT PRICE</u>
		Vepesid® (etoposide VP-16 injection)		
3084-20	(0015) 3084-20	150 mg/vial	\$163.79	\$163.79

If you require additional information, I may be reached at 609-897-4741.

Thank you,

Denise M. Kaszuba
 Sr. Pricing Analyst

DMK/td

BMS:5:000021

TRADE SECRET/CONFIDENTIAL

BMS4CA/002362

BMSAWP/0030830

HIGHLY CONFIDENTIAL



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Michelle Christopher
Fax: 317-469-5252
Re: Product Notification
Date: February 26, 1996
pages: 2, including cover sheet

The following is a copy of a letter sent to you, which contains important product and pricing information.

Please supply AWP's for these products once they have been processed through your database.

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Awilda

From the desk of...

Awilda Sprano

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4743

Fax: 609 897 5996

BMS:5:000036

BMS4CA/002353

TRADE SECRET/CONFIDENTIAL

BMSAWP/0030831

HIGHLY CONFIDENTIAL



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

P.O. Box 4500 Princeton, NJ 08543-4500 609 897 2500

February 28, 1998

MEDICAL ECONOMICS DATA
5 Paragon Drive
Montvale, NJ 07645-1742

Attention: Carol Flanagan

Dear Ms. Flanagan:

Bristol-Myers Squibb Oncology/Immunology has added a new item to their Taxol (paclitaxel for injection) line. Listed below is the product and pricing information required by your organization to update the National Drug Data Files.

<u>Item No.</u>	<u>NDC No.</u>	<u>Product Description</u>	<u>Wholesale Price Per Unit</u>	<u>Direct Price Per Unit</u>	<u>Ship Data</u>
		TAXOL® (paclitaxel for injection, concentrate) Semi-synthetic			
3476-27	0015-3476-27	100 mg/17 mL, single dose vial	\$487.01	\$487.01	02-18-98

If you require additional information, I may be reached at 800-897-4743.

Sincerely,

Awilda Serrano
Pricing Support

BMS:5:000037

TRADE SECRET/CONFIDENTIAL

BMS4CA/002364

BMSAWP/0030832

HIGHLY CONFIDENTIAL



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Carol Flanagan
Fax#: 201-358-1756
Re: Product Notification
Date: February 28, 1998
pages: 2, including cover sheet

The following is a copy of a letter sent to you, which contains important product and pricing information.

Please supply AWP's for these products once they have been processed through your database.

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Awilda

From the desk of...

Awilda Serrano

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4743
Fax: 609 897 3996

BMS: 5:006538

TRADE SECRET/CONFIDENTIAL

BMS4CA/002365

HIGHLY CONFIDENTIAL

BMSAWP/0030833


Bristol-Myers Squibb Company

U.S. Pharmaceuticals

P.O. Box 4500 Princeton, NJ 08543-4500 (609) 426-2000

February 28, 1998

 FIRST DATA BANK
 Suite 350
 1111 Bayhill Drive
 San Bruno, CA 94066

Attention: Beth Rader

Dear Ms. Rader:

Bristol-Myers Squibb Oncology/Immunology has added a new item to their Taxol (paclitaxel for injection) line. Listed below is the product and pricing information required by your organization to update the National Drug Data Files.

<u>Item No.</u>	<u>NDC No.</u>	<u>Product Description</u>	<u>Wholesale Price Per Unit</u>	<u>Direct Price Per Unit</u>	<u>Ship Date</u>
3476-27	0015-3476-27	TAXOL® (paclitaxel for injection, concentrate) Semi-synthetic 100 mg/17 mL, single dose vial	\$487.01	\$487.01	02-16-98

If you require additional information, I may be reached at 609-887-4743.

Sincerely,

 Arilda Serrano
 Pricing Support

BMS: 5:000639

BMS4CA/002386

TRADE SECRET/CONFIDENTIAL

BMSAWP/0030834

HIGHLY CONFIDENTIAL



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Beth Rader
From: 415-588-8887
Re: Product Notification
Date: February 26, 1996
pages: 2, including cover sheet.

The following is a copy of a letter sent to you, which contains important product and pricing information.

Please supply AWP's for these products once they have been processed through your database.

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Awilda

From the desk of...

Awilda Serrano

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536

609 897 4743
Fax: 609 897 5996

BMS:5:006040

TRADE SECRET/CONFIDENTIAL

BMS4CA/002367

BMSAWP/0030835

HIGHLY CONFIDENTIAL


Bristol-Myers Squibb Company

U.S. Pharmaceuticals

P.O. Box 4500 Princeton, NJ 08545-4500 (609) 897-2000

February 28, 1998

MEDISPAN
425 Woodfield Crossing Boulevard
Indianapolis, IN 46240-0930

Attention: Michelle Christopher

Dear Ms. Christopher

Bristol-Myers Squibb Oncology/Immunology has added a new item to their Taxol (paclitaxel for injection) line. Listed below is the product and pricing information required by your organization to update the National Drug Data Files.

<u>Item No.</u>	<u>NDC No.</u>	<u>Product Description</u>	<u>Wholesale Price Per Unit</u>	<u>Direct Price Per Unit</u>	<u>Ship Date</u>
		TAXOLO (paclitaxel for injection, concentrate) Semi-synthetic			
3478-27	0015-3478-27	100 mg/17 mL, single dose vial	\$487.01	\$487.01	02-18-98

If you require additional information, I may be reached at 609-897-4743.

Sincerely,

Awilda Serrano
Pricing Support

BMS:5:000041

TRADE SECRET/CONFIDENTIAL

BMS4CA/002368

BMSAWP/0030836

HIGHLY CONFIDENTIAL



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Carol Flanagan
Fax: 201-358-1756
Re: Product Notification
Date: February 28, 1996
pages: 2, including cover sheet.

The following is a copy of a letter sent to you, which contains important product and pricing information.

Please supply AWP's for these products once they have been processed through your database.

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Awilda

From the desk of...

Awilda Serrano

**BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536**

609 897 4743

Fax: 609 897 5956

BMS: 5:000042

TRADE SECRET/CONFIDENTIAL

BMS4CA/002369

BMSAWP/0030837

HIGHLY CONFIDENTIAL



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

P.O. Box 4500 Princeton, NJ 08543-1500 609-897-2000

February 26, 1996

MEDICAL ECONOMICS DATA
5 Paragon Drive
Montvale, NJ 07645-1742

Attention: Carol Flanagan

Dear Ms. Flanagan:

Bristol-Myers Squibb Oncology/Immunology has added a new item to their Taxol (paclitaxel for injection) line. Listed below is the product and pricing information required by your organization to update the National Drug Data Files.

<u>Item No.</u>	<u>NDC No.</u>	<u>Product Description</u>	<u>Wholesale Price Per Unit</u>	<u>Direct Price Per Unit</u>	<u>Ship Date</u>
3476-27	0015-3476-27	TAXOL® (paclitaxel for injection, concentrate) Semi-synthetic 100 mg/17 mL, single dose vial	\$487.01	\$487.01	02-16-96

If you require additional information, I may be reached at 609-897-4743.

Sincerely,

Arilda Serrano
Pricing Support

BMS: 5:000043

BMS4CA/002370

TRADE SECRET/CONFIDENTIAL

BMSAWP/0030838

HIGHLY CONFIDENTIAL

P. 1

* * * TRANSMISSION RESULT REPORT (FEB.26.1996 7:27PM) * * *

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
FEB.26.	7:26PM	ME DATA	TES	0'36"	P. 2	OK		041

TTI 609 897 5996

* : BATCH
M : MEMORY
S : STANDARD

C : CONFIDENTIAL
L : SEND LATER
D : DETAIL

S : TRANSFER
O : FORWARDING
F : FINE

P : POLLING
E : ECM
> : REDUCTION

BMS:5:000044

TRADE SECRET/CONFIDENTIAL

BMS4CA/002371

BMSAWP/0030839

HIGHLY CONFIDENTIAL



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

TO: Beth Rader
Fax#: 415-588-6867
Re: Product Notification
Date: February 28, 1998
pages: 2, including cover sheet.

The following is a copy of a letter sent to you, which contains important product and pricing information.

Please supply AWP's for these products once they have been processed through your database.

If you do not receive these pages or have any questions, please do not hesitate to give me a call.

Thank you,

Awilda

From the desk of...

Awilda Serrano

**BRISTOL-MYERS SQUIBB COMPANY
777 SCUDDERS MILL ROAD
PLAINSBORO, NJ 08536**

**609 897 4743
Fax: 609 897 5996**

BMS : 5 - 060045

TRADE SECRET/CONFIDENTIAL

BMS4CA/002372

BMSAWP/0030840

HIGHLY CONFIDENTIAL


Bristol-Myers Squibb Company

U.S. Pharmaceuticals

P.O. Box 4500 Princeton, NJ 08543-4500 609-997-2000

February 26, 1998

FIRST DATA BANK
 Suite 350
 1111 Bayhill Drive
 San Bruno, CA 94065

Attention: Beth Rader

Dear Ms. Rader:

Bristol-Myers Squibb Oncology/Immunology has added a new item to their Taxol (paclitaxel for injection) line. Listed below is the product and pricing information required by your organization to update the National Drug Data Files.

Item No.	NDC No.	Product Description	Wholesale Price Per Unit	Direct Price Per Unit	Ship Date
		TAXOLO (paclitaxel for injection, concentrate) Semi-synthetic			
3476-27	0015-3476-27	100 mg/17 mL, single dose vial	\$487.01	\$487.01	02-16-98

If you require additional information, I may be reached at 609-997-4743.

Sincerely,

Awilda Serrano
 Pricing Support

BMS:5:000246

TRADE SECRET/CONFIDENTIAL

BMS4CA/002373

BMSAWP/0030841

HIGHLY CONFIDENTIAL

P. 1

* * * TRANSMISSION RESULT REPORT (FEB.26.1996 7:25PM) * * *

TTI 609 897 5996

DATE	TIME	ADDRESS	MODE	TIME	PAGE RESULT	PERS. NAME	FILE
FEB.26.	7:25PM	415 588 6867	TES	0'37"	P. 2 OK		040

B : BATCH
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 S : STANDARD

C : CONFIDENTIAL
 L : SEND LATER
 D : DETAIL

S : TRANSFER
 F : FORWARDING
 F : FINE

P : POLLING
 E : ECH
 > : REDUCTION

BMS:5:000047

TRADE SECRET/CONFIDENTIAL

BMS4CA/002374.

BMSAWP/0030842

HIGHLY CONFIDENTIAL

EXHIBIT 6



Bristol-Myers Squibb Company

U.S. Pharmaceuticals

**PRICING
SUPPORT**

FAX

To: Michele Christopher
Fax#: 317-469-5252
Re: AWP's for new products
Date: July 18, 1995
Pages: 3, including cover sheet.

Michele,

Following are two notifications recently faxed to you with information on new products.

Please provide me with the AWP's for the new products via return fax, at your earliest convenience. I would appreciate a response this afternoon, if possible.

Thank you for your anticipated speedy response!

Barbara

From the desk of...

Barbara Goez

BRISTOL-MYERS SQUIBB COMPANY
777 SCUDGERS MILL ROAD
PLAINSBORO, NJ 08536

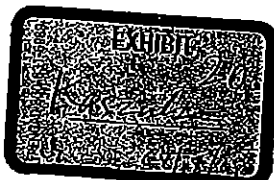
609 897 4780
Fax 609 897 6919

BMS:5:090022

TRADE SECRET/CONFIDENTIAL

BMS3CA/001734

HIGHLY CONFIDENTIAL



BMSAWP/0017275

Attached for your information is Product and Pricing Information on items recently introduced for Bristol-Myers Squibb Pharmaceutical Group.

List below is the information required to assist you in updating your data files.

BRISTOL-MYERS SQUIBB ONCOLOGY/IMMUNOLOGY

<u>Item No.</u>	<u>NDC No.</u>	<u>Product Description</u>	<u>Wholesale Price</u>	<u>Direct Price</u>
0 3012-22	0015-3002-22	MUTAMYCIN® VHA+ ¹ (mitomycin for injection, USP) 20 mg/vial (cartoned)	\$362.33	\$363.33

PRIMARY CARE

<u>Item No.</u>	<u>NDC No.</u>	<u>Product Description</u>	<u>Wholesale Price</u>	<u>Direct Price</u>
5178-06	0003-5178-06	PRAVACHOL® (pravastatin sodium) 20 mg tablet, Unimatic® Carton of 90	\$138.54	\$145.83

DISCONTINUED SIZE (Discontinued date of 11/95)

<u>Item No.</u>	<u>NDC No.</u>	<u>Product Description</u>
0178-51	0003-0178-51	PRAVACHOL® (pravastatin sodium) 20 mg tablet, Unimatic® Carton of 100

If you have additional questions, please do not hesitate to contact my office at 609-897-4741.

Sincerely,

Denise M. Kaszuba
Associate Manager of Pricing Support

¹VHA+ is privately labeled for Voluntary Hospital Association members only.

BMS: 5:000023-

TRADE SECRET/CONFIDENTIAL

BMS3CA/001735

BMSAWP/0017276

HIGHLY CONFIDENTIAL

Listed below is Product and Pricing information on items recently introduced for Bristol-Myers Squibb Company, Pharmaceutical Group. This information is required to assist you in updating your data files.

PRIMARY CARE

<u>Item No.</u>	<u>NDC No.</u>	<u>Product Description</u>	<u>Wholesale Price</u>	<u>Direct Price</u>	<u>Effective Date</u>
		MONOPRIL® (fosinopril sodium)			
0609-41	0087-0609-41	20 mg tab, btl 30	\$18.17	\$19.13	7/13/95
0609-42	0087-0609-42	20 mg tab, btl 90	\$54.51	\$57.38	7/13/95
		PRAVACHOL® (pravastatin sodium)			
5154-06	0003-5154-06	10 mg tab, UNID® ctn 90	\$128.64	\$135.41	7/13/95

PRIMARY CARE

DISCONTINUED SIZES

<u>Item No.</u>	<u>NDC No.</u>	<u>Product Description</u>	<u>Discontinued Date</u>
		MONOPRIL® (fosinopril sodium)	
0609-50	0087-0609-50	20 mg tab, btl 100	11/95
		PRAVACHOL® (pravastatin sodium)	
0154-51	0003-0154-51	10 mg tab, UNID® ctn 100	11/95

If you have additional questions, please do not hesitate to contact my office at 609-897-4741.

Sincerely,

Denise M. Kaszuba
Associate Manager of Pricing Support

BMS:5:000024

TRADE SECRET/CONFIDENTIAL

BMS3CA/001736

BMSAWP/0017277

HIGHLY CONFIDENTIAL

DATE	START TIME	STOP TIME	TERMINATION	TIME	FEES	NO. OF	NO.
JUN 10	03:35 PM	04:00 PM	TEST	01' 15"	01	03	

TRADE SECRET/CONFIDENTIAL

BMSAWP/0017278

HIGHLY CONFIDENTIAL

EXHIBIT 7

[Fwd: Data Services]

Subject: [Fwd: Data Services]
Date: Fri, 05 Jan 2001 10:37:15 -0500
From: "Denise M Kaszuba" <denise.kaszuba@bms.com> Internal
Organization: Bristol-Myers Squibb
To: Sally C Palmer <sally.palmer@bms.com>,
Sandra B Pitman <sandra.pitman@bms.com>

Sandy:

FYI

Subject: RE: Data Services
Date: Fri, 05 Jan 2001 07:40:12 -0800
From: "Morgan, Kay" <Kay.Morgan@firstdatabank.com>
To: 'Denise M Kaszuba' <denise.kaszuba@bms.com>

Received the info. We'll do what we can to get the prices to you, but we will not be able to see them until tomorrow.

-----Original Message-----

From: Denise M Kaszuba [mailto:denise.kaszuba@bms.com]
Sent: Friday, January 05, 2001 6:08 AM
To: Kay.Morgan@firstdatabank.com; carol.flanagan@medec.com; Sally C Palmer;
Sandra E Pitman; Frances E Hamer; Dianne S Childears
Subject: Data Services

Kay/Carol

Effective today BMS increased prices on selected products. There are three attached excel spreadsheets containing the prices.

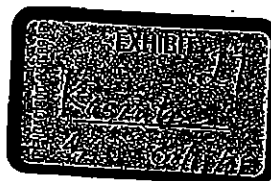
Could you please provide the AWP's by Monday January 8, 2001.

Thank you

Sandy: Could you follow-up on Monday... We need to include these on the Internal Price List.

Denise



Denise M Kaszuba <denise.kaszuba@bms.com>



1/5/2001 10:51 AM
HIGHLY CONFIDENTIAL
BMS/AWP/000092406

EXHIBIT 8

From: Mimi Leake
Sent: Friday, March 30, 2001 8:01 AM
To: Carol Flanagan; Kay Morgan
Cc: Denise M Kaszuba; Sally C Palmer
Subject: Bristol-Myers Squibb Price Increase Notification

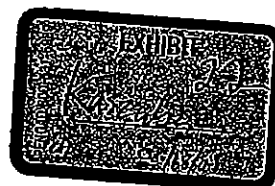
 
DataSvcs_Memo_3_30_01.doc mimi.leake.vcf

Please see the attached price increase notification. Please forward the AWP's to me at your earliest convenience.

Also, please send me confirmation that you received this message.

Thanks,

Mimi Leake
Bristol-Myers Squibb
Pricing Administration



SUBJECT: Tequin™ Tablets Price Increase
March 30, 2001

Effective March 30, 2001, Bristol-Myers Squibb U.S. Medicines Group adjusted prices for Tequin™ Tablets (gatifloxacin). The product and pricing information is listed below.

<u>NDC No.</u>	<u>Item No.</u>	<u>Product Description</u>	<u>Wholesale Price</u>	<u>Direct Price</u>
		Tequin™ Tablets (gatifloxacin)		
0015-1117-50	1117-50	200 mg tablets, bottle of 30	\$194.45	\$ 204.68
0015-1117-80	1117-80	200 mg tablets, blister pack of 100, Unit Dose	\$648.16	\$ 682.27
0015-1177-60	1177-60	400 mg tablets, bottle of 50	\$324.07	\$ 341.13
0015-1177-80	1177-80	400 mg tablets, blister pack of 100, Unit Dose	\$648.16	\$ 682.27
0015-1177-19	1177-19	400 mg TEQPAQ of 7 (blister pack)	\$86.95	\$91.53

All direct buying customers received notification of this price increase via mailgram on March 30, 2001. All orders transmitted or postmarked on or after this date will be invoiced at the new prices.

Bristol-Myers Squibb U.S. Medicines Group

EXHIBIT 9

October, 1993

FIRST DATA BANK
Manager, Database Operations
1111 Bayhill Drive
San Bruno, CA 94066

Attention: Mr. Edelstein

Dear Mr. Edelstein:

Bristol-Myers Oncology Division recently introduced VEPESID® 500 mg/vial (cartoned) and 1 g/vial (cartoned). Listed below is the product information necessary to establish the AVERAGE WHOLESALE PRICE (AWP). The products were first sold October 21, 1993.

<u>ITEM NUMBER</u>	<u>NDC NUMBER</u>	<u>PRODUCT DESCRIPTION</u>	<u>WHOLESALE PRICE</u>	<u>DIRECT PRICE</u>
		Vepesid® (etoposide VP-16 injection)		
	(0015)			
3061-20	3061-20	500 mg/vial (cartoned)	\$ 532.30	\$ 532.30
3062-20	3062-20	1-g/vial (cartoned)	\$1037.31	\$1037.31

If you require additional information, I may be reached at 609-897-4741.

Sincerely,

Denise M. Kaszuba
Sr. Pricing Analyst

DMK/td

BMS:5:000015

TRADE SECRET/CONFIDENTIAL

BMS4CA/002356

HIGHLY CONFIDENTIAL

BMSAWP/0030824

October, 1993

MEDI-SPAN
P. O. Box 40930
8425 Woodfield Crossing Blvd.
Indianapolis, IN 46240-0930

Attention: Ms. Rector

Dear Ms. Rector:

Bristol-Myers Oncology Division recently introduced VEPESID® 500 mg/vial (cartoned) and 1 g/vial (cartoned). Listed below is the product information necessary to establish the AVERAGE WHOLESALE PRICE (AWP). The products were first sold October 21, 1993.

<u>ITEM NUMBER</u>	<u>NDC NUMBER</u>	<u>PRODUCT DESCRIPTION</u>	<u>WHOLESALE PRICE</u>	<u>DIRECT PRICE</u>
		Vepesid® (etoposide VP-16 injection)		
3061-20	3061-20	500 mg/vial (cartoned)	\$ 532.30	\$ 532.30
3062-20	3062-20	1 g/vial (cartoned)	\$1037.31	\$1037.31

If you require additional information, I may be reached at 609-897-4741.

Sincerely,

Denise M. Kaszuba
Sr. Pricing Analyst

DMK/td

BMS:5:000916

TRADE SECRET/CONFIDENTIAL

BMS4CA/002357

BMSAWP/0030825

HIGHLY CONFIDENTIAL

EXHIBIT 10

Denise M. Kaszuba HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
New York, NY

August 18, 2005

1

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

-----x

In Re: PHARMACEUTICAL)

INDUSTRY AVERAGE WHOLESALE) MDL DOCKET NO.

PRICE LITIGATION) CIVIL ACTION

-----x 01CV12257-PBS

THIS DOCUMENT RELATES TO)

ALL ACTIONS)

-----x

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

August 18, 2005

9:23 a.m.

Deposition of DENISE M. KASZUBA,

held at the offices of Hogan & Hartson,

L.L.P., 875 Third Avenue, New York, New

York, pursuant to notice, before Cary N.

Bigelow, RPR, a Notary Public of the State

of New York.

HENDERSON LEGAL SERVICES
202-220-4158

Denise M. Kaszuba HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

August 18, 2005

New York, NY

<p style="text-align: right;">42</p> <p>1 this is a computer database, correct?</p> <p>2 A. It is DB2 legacy, yes.</p> <p>3 Q. Is DB2 the name of the software?</p> <p>4 A. Yes.</p> <p>5 Q. Is that on a mainframe?</p> <p>6 A. It is on a mainframe.</p> <p>7 Q. Is the mainframe housed in Plainsboro?</p> <p>8 A. Today, no. I think it is housed with IBM.</p> <p>9 Q. In the past has it been --</p> <p>10 A. Evansville, Indiana.</p> <p>11 Q. Do you have a terminal on your desk</p> <p>12 which can access the list price master file?</p> <p>13 A. I do.</p> <p>14 Q. Do the pricing coordinators have that</p> <p>15 as well?</p> <p>16 A. They do.</p> <p>17 Q. Who are the current pricing coordinators?</p> <p>18 A. There are none at this point in time.</p> <p>19 Q. So you don't have any assistants at</p> <p>20 the moment?</p> <p>21 A. No.</p> <p>22 Q. Do you work with COPS, the customer</p>	<p style="text-align: right;">44</p> <p>1 Q. Even though they are infrequently, do</p> <p>2 you remember the topics you would discuss?</p> <p>3 A. Topics, they would like a copy of the</p> <p>4 most current price list.</p> <p>5 Q. In that instance would they call you,</p> <p>6 would they be calling you for a copy?</p> <p>7 A. Yes, they may, or they may call trade</p> <p>8 operations.</p> <p>9 Q. Have you sent list price increases to</p> <p>10 wholesalers throughout the time that you worked</p> <p>11 in pricing support?</p> <p>12 A. Yes, I have.</p> <p>13 Q. What does the phrase AWP mean to you?</p> <p>14 A. It means average wholesale price.</p> <p>15 Q. Can you define that any further?</p> <p>16 A. It's actually a price established by</p> <p>17 our, by our third party data services and that</p> <p>18 price is established by using our list price as</p> <p>19 a base.</p> <p>20 Q. Do you know how AWP is used in the</p> <p>21 industry as a pricing term?</p> <p>22 MR. EDWARDS: Used by whom?</p>
<p style="text-align: right;">43</p> <p>1 order processing system?</p> <p>2 A. I do not have access to the COPS</p> <p>3 database now.</p> <p>4 Q. Who maintains that?</p> <p>5 A. That would be customer service.</p> <p>6 Q. Do you have communications with</p> <p>7 wholesalers?</p> <p>8 A. I do communicate, yes.</p> <p>9 Q. About what topics?</p> <p>10 A. Product launches, new products,</p> <p>11 notification of products, the list price</p> <p>12 changes.</p> <p>13 Q. When you say list price changes, do</p> <p>14 you communicate list price changes to the</p> <p>15 wholesalers?</p> <p>16 A. I do.</p> <p>17 Q. Is that in the form of letters?</p> <p>18 A. In the form of a letter.</p> <p>19 Q. Do you ever have telephone</p> <p>20 conversations with any representatives of</p> <p>21 wholesalers?</p> <p>22 A. Very infrequently, but I do.</p>	<p style="text-align: right;">45</p> <p>1 MR. MATT: Used by insurance</p> <p>2 companies.</p> <p>3 A. I don't know the end result of how</p> <p>4 they use that AWP.</p> <p>5 Q. Do you know that insurers can base</p> <p>6 their reimbursement payments based on AWP?</p> <p>7 MR. EDWARDS: Objection.</p> <p>8 A. Yes, I do.</p> <p>9 Q. Are you aware that until recently</p> <p>10 Medicare based payments for Part B drugs on AWP?</p> <p>11 A. Yes.</p> <p>12 Q. Are you aware that some Medicaid</p> <p>13 programs based payments on AWP for drugs?</p> <p>14 A. No.</p> <p>15 Q. Over the years you have worked in</p> <p>16 pricing support, what are some of the uses that</p> <p>17 you have made of AWP in your area of responsibility?</p> <p>18 A. Just my area of responsibility is</p> <p>19 actually just getting them from the data</p> <p>20 services and having them available on an</p> <p>21 internal price list document, so ad hoc requests</p> <p>22 from marketing analysts who may request products</p>

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202-220-4158

Denise M. Kaszuba HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
New York, NY

August 18, 2005

<p style="text-align: right;">46</p> <p>1 list pricing and AWP pricing information from 2 the data services. 3 Q. You referenced internal price list. 4 What is that? 5 A. The internal price list is a document 6 that we have all our products that we 7 commercially sell that contains all – that 8 contains or did contain the wholesale direct 9 hospital pricing, it had the federal supply 10 schedule pricing, it had the Public Health 11 Service pricing, AWP pricing from all three 12 services. 13 Q. Is this called the internal price 14 list, is that the official – 15 A. Yes. 16 Q. How long has that been maintained? 17 A. We started doing that maybe in '95. 18 Q. So '95 to the present? 19 A. That is an approximate date. It may 20 be later, I am not certain. 21 Q. And that price list is still in 22 existence at BMS?</p>	<p style="text-align: right;">48</p> <p>1 have the responsibility for maintaining that? 2 A. I did. 3 Q. Was that maintained in an Excel 4 spreadsheet format? 5 A. The internal was actually maintained 6 by – we actually had a vendor who actually did 7 the internal – we communicated the information, 8 but they housed that in their database and they 9 produced it for us. 10 Q. Who was the vendor? 11 A. Anro, Anro today is the vendor. 12 Q. How do you spell that? 13 A. A-n-r-o. 14 Q. In the past was it someone else? 15 A. Not for the internal price list, no. 16 Q. Do you know what format they 17 maintained it in or did maintain that in? Was 18 that Excel? 19 A. No. It's a home-grown system that 20 they had. 21 Q. How would they communicate the 22 internal price list to you?</p>
<p style="text-align: right;">47</p> <p>1 A. No, we no longer produce it as of last 2 year because of resources and the product line 3 has subsequently been reduced of BMS. 4 Q. When you say resources, what are you 5 referring to? 6 A. Staff. 7 Q. As in lack of? 8 A. Lack of. 9 Q. You are a department of one right now? 10 A. Yes. 11 Q. You said there are fewer BMS products 12 now; is that correct? 13 A. Yes. 14 Q. Can you be more specific as to how the 15 product line has contracted? 16 A. We no longer sell them commercially, 17 they are no longer part of our portfolio. 18 Q. Can you give us some examples of 19 specific drugs? 20 A. Capoten, Corgard, Pronestyl recently, 21 Serzone, Stadol NS. 22 Q. Did the internal price list, did you</p>	<p style="text-align: right;">49</p> <p>1 A. They would either do a PDF or print 2 hard copies for us. PDF was the later medium. 3 Q. You said you supplied Anro with 4 information for them to build this internal 5 price list? 6 A. Yes. 7 Q. What did BMS supply Anro with? 8 A. BMS supplied the price presentation of 9 the product, which is the records that identify 10 the product; we provided them with all of the 11 levels of pricing contained in that document. 12 Q. So you provided them with WLP? 13 A. WLP. 14 Q. And the AWP from the three publications? 15 A. Yes. 16 Q. What else? 17 A. The FSS, PHS, hospital and physician 18 pricing. 19 Q. I think I may have a couple of 20 examples of those to look at and for you to 21 identify it a little bit later. 22 What was the purpose for including</p>

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<p style="text-align: right;">50</p> <p>1 AWP on that report?</p> <p>2 A. Actually, to provide that to the</p> <p>3 analyst, the marketing analyst.</p> <p>4 Q. Do you know why they would be</p> <p>5 interested in seeing AWP information in that</p> <p>6 report?</p> <p>7 A. I just know that they requested AWP.</p> <p>8 Q. Did they tell you why they were</p> <p>9 requesting AWP?</p> <p>10 A. They may have. Again, they needed our</p> <p>11 AWP and they also may have requested</p> <p>12 competitors' AWP. Exactly what they did do</p> <p>13 with that --</p> <p>14 Q. Based on your experience working in</p> <p>15 the pricing field for several years for BMS, do</p> <p>16 you believe they would be interested in AWP</p> <p>17 because some customers ultimately pay for BMS</p> <p>18 products based on AWP?</p> <p>19 A. I knew that AWP were in some</p> <p>20 instances a factor of what a customer may</p> <p>21 reimburse.</p> <p>22 Q. Do you believe that may be why</p>	<p style="text-align: right;">52</p> <p>1 A. Software applications, Price-Chek,</p> <p>2 Price Probe.</p> <p>3 Q. Those were accessed by you?</p> <p>4 A. Correct.</p> <p>5 Q. Tell me about Price-Chek.</p> <p>6 A. Price-Chek is owned by MediSpan,</p> <p>7 Price-Chek is a PC software package.</p> <p>8 Q. Did BMS license that from MediSpan?</p> <p>9 A. Yes, they did.</p> <p>10 Q. Did you have that available to you on</p> <p>11 your computer at your desk?</p> <p>12 A. Yes, I did.</p> <p>13 Q. What information does Price-Chek show?</p> <p>14 A. Price-Chek actually contains all</p> <p>15 active pharmaceutical products, it contains the</p> <p>16 historical pricing, current pricing of list,</p> <p>17 wholesale price, direct price and AWP.</p> <p>18 Q. And you said historical. How far back?</p> <p>19 A. As long as the product -- it's</p> <p>20 relative to the -- it could be eight buckets,</p> <p>21 eight price changes.</p> <p>22 Q. Eight different columns in the report?</p>
<p style="text-align: right;">51</p> <p>1 marketing was interested in having the AWP on</p> <p>2 the internal price list?</p> <p>3 A. Yes.</p> <p>4 Q. You also mentioned ad hoc requests</p> <p>5 from marketing personnel.</p> <p>6 A. Yes.</p> <p>7 Q. Can you be more specific what that means?</p> <p>8 A. Ad hoc requests, they would actually</p> <p>9 provide me a list of products that they would</p> <p>10 like to see product and pricing information.</p> <p>11 Q. Ad hoc meaning this was not a</p> <p>12 periodically established schedule?</p> <p>13 A. No, no.</p> <p>14 Q. And the pricing information they would</p> <p>15 request in an ad hoc manner would include</p> <p>16 wholesale list price and AWP?</p> <p>17 A. Sometimes.</p> <p>18 Q. And sometimes would they request the</p> <p>19 same information about competitors?</p> <p>20 A. Yes.</p> <p>21 Q. What would be your source of</p> <p>22 information on competitive drugs?</p>	<p style="text-align: right;">53</p> <p>1 A. Yes.</p> <p>2 Q. So it can --</p> <p>3 A. I mean, eight different buckets per</p> <p>4 price type.</p> <p>5 Q. So let's take AWP as a price type.</p> <p>6 It would be able to show the eight</p> <p>7 different prior periods?</p> <p>8 A. Correct.</p> <p>9 Q. What is Price Probe?</p> <p>10 A. Price Probe is actually a PC software</p> <p>11 package licensed from First Data Bank.</p> <p>12 Q. Is that on your desktop?</p> <p>13 A. Yes.</p> <p>14 Q. Does that contain all active</p> <p>15 pharmaceutical products?</p> <p>16 A. Yes.</p> <p>17 Q. It contains wholesale list prices,</p> <p>18 direct prices --</p> <p>19 A. Direct prices and AWP.</p> <p>20 Q. For what time frame?</p> <p>21 A. At one point they could only provide</p> <p>22 three buckets, so three price changes. I</p>

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<p style="text-align: right;">54</p> <p>1 believe they are increasing it as the database ages.</p> <p>2 Q. Besides the fact that Price-Chek has a</p> <p>3 longer historical profile, would there be one</p> <p>4 reason why you would access Price-Chek –</p> <p>5 MR. MATT: Strike that.</p> <p>6 Q. When do you actually use Price-Chek</p> <p>7 and Price Probe, under what circumstances, why</p> <p>8 do you use them?</p> <p>9 A. My major functionality with them is to</p> <p>10 actually look at the product and prices that we</p> <p>11 provide MediSpan to ensure that the product</p> <p>12 information is correct and the list price is</p> <p>13 correct.</p> <p>14 Q. So as an auditing type function?</p> <p>15 A. Yes.</p> <p>16 Q. Do you access them from time to time</p> <p>17 in response to ad hoc pricing requests?</p> <p>18 A. I do.</p> <p>19 Q. When you receive an ad hoc request</p> <p>20 from marketing and you want to access one of</p> <p>21 these databases, do you have preference of one</p> <p>22 over the other?</p>	<p style="text-align: right;">56</p> <p>1 earlier from marketing, who would make those</p> <p>2 requests?</p> <p>3 A. It would – it could vary. The</p> <p>4 marketing research analyst that supported the</p> <p>5 marketing group and at times the product manager</p> <p>6 may request or a manager supporting a product</p> <p>7 may request information.</p> <p>8 Q. Is it your understanding that a</p> <p>9 product manager manages a single drug product?</p> <p>10 A. Or two, yes.</p> <p>11 Q. And works with pricing.</p> <p>12 Does the product manager have input</p> <p>13 regarding the price charged on the drug products</p> <p>14 for which he or she is a manager?</p> <p>15 A. The list price?</p> <p>16 Q. Yes.</p> <p>17 A. If – again, when we implemented price</p> <p>18 increases, it was not via the product manager.</p> <p>19 Q. Did they have input at some –</p> <p>20 A. They may have input behind the scenes,</p> <p>21 but when we went in, when we increased the</p> <p>22 price, they did not even know we were – there</p>
<p style="text-align: right;">55</p> <p>1 A. I do have a preference over Price-Chek.</p> <p>2 Q. A preference for Price-Chek?</p> <p>3 A. Correct.</p> <p>4 Q. Why is that?</p> <p>5 A. Because the history is all in one row</p> <p>6 and with Price Probe, actually, the history is</p> <p>7 in multiple rows.</p> <p>8 Q. How long has BMS licensed Price-Chek?</p> <p>9 A. I don't recall.</p> <p>10 Q. Was that available to you in 1992?</p> <p>11 A. No.</p> <p>12 Q. How about 1995?</p> <p>13 A. It may have been.</p> <p>14 Q. Do you recall at some time in the</p> <p>15 mid-nineties it became available?</p> <p>16 A. Yes, I do.</p> <p>17 Q. The same question for Price Probe. Do</p> <p>18 you know approximately when that became</p> <p>19 available, approximately when BMS began</p> <p>20 licensing it?</p> <p>21 A. In the mid-nineties also.</p> <p>22 Q. The ad hoc request we discussed</p>	<p style="text-align: right;">57</p> <p>1 was a secrecy because we did not want our</p> <p>2 customers to know the price increase was</p> <p>3 occurring until the day of our major customers,</p> <p>4 wholesalers.</p> <p>5 Q. So product manager wasn't under the</p> <p>6 chain of authority that signed off?</p> <p>7 A. No, they did not.</p> <p>8 Q. The research analysts you referenced,</p> <p>9 what is your understanding of their function?</p> <p>10 A. Their function is actually to support</p> <p>11 pricing issues.</p> <p>12 Q. Within the marketing department?</p> <p>13 A. Within the marketing department.</p> <p>14 Q. Just so I understand, the Price-Chek</p> <p>15 and Price Probe products, they contain price</p> <p>16 information for all drugs, not just BMS drugs?</p> <p>17 A. Correct.</p> <p>18 Q. Is it your understanding that</p> <p>19 wholesalers purchase drugs from BMS at wholesale</p> <p>20 list price?</p> <p>21 A. Yes.</p> <p>22 Q. Is it your understanding that</p>

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<p style="text-align: right;">58</p> <p>1 wholesalers frequently obtain a discount for</p> <p>2 paying promptly, a discount from BMS for paying</p> <p>3 promptly?</p> <p>4 A. Correct.</p> <p>5 Q. Can that be one to two percent?</p> <p>6 A. Yes.</p> <p>7 Q. Is it your experience that they</p> <p>8 usually take advantage of that?</p> <p>9 A. I don't know.</p> <p>10 Q. You know that it is offered, that</p> <p>11 discount?</p> <p>12 A. I know that it is offered, correct.</p> <p>13 Q. Are you aware that BMS contracts with</p> <p>14 GPOs and institutions?</p> <p>15 A. Yes, I am.</p> <p>16 Q. Are you aware that those contracts</p> <p>17 typically contain prices that are lower than</p> <p>18 wholesale list price?</p> <p>19 A. Correct, I am.</p> <p>20 Q. Are you familiar with the charge-back</p> <p>21 system?</p> <p>22 A. I am familiar with it.</p>	<p style="text-align: right;">60</p> <p>1 rebates to some purchasers of BMS drugs?</p> <p>2 A. Excuse me?</p> <p>3 Q. Are you also aware that BMS pays</p> <p>4 rebates to some purchasers of BMS drugs?</p> <p>5 A. Yes, I am aware.</p> <p>6 Q. What is your knowledge regarding rebates?</p> <p>7 A. Just that I know they do exist.</p> <p>8 Q. Do you know what types of customers</p> <p>9 receive rebates?</p> <p>10 A. At a high level, GPOs.</p> <p>11 Q. PBMs?</p> <p>12 A. PBMs.</p> <p>13 Q. Do you have any individual</p> <p>14 responsibility for processing rebates?</p> <p>15 A. No, I do not.</p> <p>16 Q. Are you aware of any transaction in</p> <p>17 which the end purchaser of a BMS drug ever paid</p> <p>18 more than AWP for that drug?</p> <p>19 A. No.</p> <p>20 Q. Is it because you are just not aware</p> <p>21 or because you don't believe that anyone would</p> <p>22 have paid more than AWP for a BMS drug?</p>
<p style="text-align: right;">59</p> <p>1 Q. Can you describe your familiarity, please?</p> <p>2 A. The charge-back system actually is an</p> <p>3 EDI functionality of BMS in which we have</p> <p>4 relationships with wholesalers who sell to our</p> <p>5 customers we contract with and again,</p> <p>6 wholesalers pay the list and for those customers</p> <p>7 who have contracts and purchase through the</p> <p>8 wholesalers, they actually pay the contract</p> <p>9 price and to make a wholesaler whole, they</p> <p>10 submit those claims via EDI and we, in turn,</p> <p>11 credit the wholesaler.</p> <p>12 Q. Are you involved in that process at all?</p> <p>13 A. No.</p> <p>14 Q. In other words, you don't process</p> <p>15 charge-backs, that is not your area?</p> <p>16 A. I do not process them.</p> <p>17 Q. But you are familiar with them --</p> <p>18 A. Correct.</p> <p>19 Q. -- based on your years of experience</p> <p>20 in pricing support?</p> <p>21 A. Correct.</p> <p>22 Q. Are you also aware that BMS pays</p>	<p style="text-align: right;">61</p> <p>1 A. I am not aware.</p> <p>2 Q. Do you believe that anyone has ever</p> <p>3 paid AWP for a BMS drug?</p> <p>4 A. I am not aware.</p> <p>5 Q. Do you have a belief one way or the other?</p> <p>6 A. No.</p> <p>7 Q. Why is that?</p> <p>8 A. I don't know the end results.</p> <p>9 MR. MATT: This will be Exhibit Kaszuba 003,</p> <p>10 please.</p> <p>11 (Exhibit Kaszuba 003, documents bearing</p> <p>12 production Nos. BMSAWP/0000597 through</p> <p>13 BMSAWP/0000617, marked for identification,</p> <p>14 as of this date.)</p> <p>15 Q. The court reporter has marked as</p> <p>16 Exhibit Kaszuba 003 to your deposition a series of</p> <p>17 documents produced from your files containing</p> <p>18 the Bates numbers 0000597 to 617.</p> <p>19 I would like to draw your attention to</p> <p>20 the page which has the number in the lower</p> <p>21 right-hand corner of 612.</p> <p>22 MR. EDWARDS: You are making a</p>

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<p style="text-align: right;">62</p> <p>1 representation this was produced from 2 Ms. Kaszuba's files? 3 MR. MATT: Correct. 4 MR. EDWARDS: Did we tell you that at 5 some point? 6 MR. MATT: Yes. The document 7 custodian list. These pages were combined 8 in this manner and in this order. 9 Q. Can you identify what you see on the 10 page which has the Bates numbers ending in 612? 11 A. Yes. This is a memo from Tim Crew to 12 me with appropriate signatures and that is 13 addressing Atenolol. 14 Q. Can you read into the record the 15 paragraph titled "Background." 16 A. Okay. 17 "In order to accomplish a speedy 18 market introduction of Atenolol 50-milligram 19 1,000s, a wholesale list price needs to be 20 created, the price is set to establish an AWP 21 that is competitive with other generic 22 offerings. Please note that this wholesale</p>	<p style="text-align: right;">64</p> <p>1 numbers in the lower right-hand corner of 597 to 2 606, can you tell me what these letters are 3 doing? 4 A. These letters are actually providing 5 information to the various data services of the 6 introduction of a new product and it is 7 providing the list price, wholesale price, 8 direct price and the approximate first ship date 9 of the product. 10 Q. These are letters you prepared? 11 A. Yes. 12 Q. Did you provide them to the 13 organizations that appear in the addressee lines? 14 A. Yes. 15 Q. Was this done under your area of 16 responsibility as a senior pricing analyst? 17 A. Correct. 18 Q. Do you know why BMS in this particular 19 instance communicated a wholesale list price of 20 \$500 when the memo that you reviewed at page 612 21 states that it won't reflect actual selling 22 price?</p>
<p style="text-align: right;">63</p> <p>1 price will not reflect actual selling price 2 since Apothecon sells Atenolol primarily at 3 contractor special offer pricing." 4 Q. Would you turn to the next page. 5 That reflects the new list price, 6 correct, \$500? 7 A. Correct. 8 Q. And it also says Apothecon anticipated AWP. 9 A. Yes. 10 Q. How do you believe that was calculated? 11 A. Actually, it was calculated by the 12 product manager by using a factor of between 20 13 to 25 percent. 14 Q. Is that the typical market factor 15 applied by one of the publications? 16 A. That range, they may. 17 Q. In this case it is 20 — is it 20 or 18 25 percent in this instance? 19 A. I don't know. 20 Q. 25 percent, it looks like. 21 Then if you can look at the letters 22 which have your name on them from the Bates</p>	<p style="text-align: right;">65</p> <p>1 A. Because actually what we communicated 2 to the data services from the inception of my 3 responsibility was to communicate the wholesale 4 list price. 5 Q. You don't know why, then, BMS was 6 communicating a wholesale list price when it 7 would not reflect the actual selling price of 8 this particular drug at this particular time? 9 MR. EDWARDS: Objection. 10 A. Other than what was communicated in 11 this memo from Tim Wert. 12 Q. I believe you testified earlier AWP is 13 calculated from wholesale list price; is that 14 correct? 15 A. Correct. 16 Q. In this instance, do you recognize 17 that no one would have paid AWP for this 18 particular drug at this particular time because 19 they wouldn't have even paid the list price for 20 this drug, correct? 21 A. Correct. 22 (Exhibit Kaszuba 004, documents bearing</p>

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<p style="text-align: right;">70</p> <p>1 provide you with AWP's based on the data you have 2 provided them, correct? 3 A. That is correct. 4 (Exhibit Kaszuba 005, documents bearing 5 production Nos. BMSAWP/0000574 through 6 BMSAWP/0000587, marked for identification, 7 as of this date.) 8 Q. The court reporter has marked as 9 Exhibit Kaszuba 005 to your deposition a series of 10 documents I believe were produced from your 11 files and contain the Bates numbers 0000574 12 through 587. 13 I will draw your attention to the 14 specific page bearing Bates number 583 in the 15 lower right-hand corner. 16 On this page is that your name written 17 in cursive in the upper right-hand corner, does 18 that say Denise? 19 A. You know, it may. I can't make it out. 20 Q. And the first question on this 21 document is do you believe you received this 22 document on or about the time that it was</p>	<p style="text-align: right;">72</p> <p>1 and wholesale list price. 2 A. I would. 3 Q. I don't have any more questions on 4 that document. 5 (Exhibit Kaszuba 006, documents bearing 6 production Nos. BMSAWP/0000095 through 7 BMSAWP/0000120, marked for identification, 8 as of this date.) 9 Q. The court reporter has marked as 10 Exhibit Kaszuba 006 to your deposition another set of 11 documents I believe were produced from your 12 files and they bear Bates numbers 0000095 to 120. 13 I would like to draw your attention to 14 the memorandum found on page 105. 15 Do you believe this is a memorandum 16 that you would have received in the course of 17 your responsibilities at BMS? 18 A. I do believe. 19 Q. Could you read out loud the paragraph 20 entitled "Background," please. 21 A. "To accomplish rapid introduction of 22 Trimox capsules 500-milligram 3,000s into the</p>
<p style="text-align: right;">71</p> <p>1 created in August of 1996? 2 A. I believe I did. 3 Q. Can you read the paragraph that says 4 "Background" out loud? 5 A. "To accomplish a rapid market 6 introduction of albuterol, wholesale list prices 7 must be established. Those wholesale prices do 8 not reflect the actual selling prices as 9 albuterol will be sold primarily in contractor 10 special offer pricing. Apothecan's wholesale 11 special offer pricing for albuterol matches 12 Warrick and Zenith, the two albuterol market 13 leaders." 14 Q. Is this memorandum communicating the 15 price changes that are found in the following 16 page bearing the Bates number 584? 17 A. They are communicating prices, so I 18 can assume they are the price changes. 19 Q. Would you have communicated these 20 price changes to publishers? 21 MR. EDWARDS: Which ones? 22 MR. MATT: The ones direct list price</p>	<p style="text-align: right;">73</p> <p>1 market wholesale list prices must be 2 established. It is prudent to point out at this 3 that these wholesale prices do not reflect 4 actual selling prices as Trimox capsules 5 500-milligram 3,000s will be sold primarily at 6 contract or special offer pricing. The proposed 7 pricing is prorated directly from the 500-count 8 bottle prices." 9 Q. Is this memorandum referring to the 10 next page which bears Bates number 106? 11 A. Yes. 12 Q. So \$961.58 was the new direct list price? 13 A. Correct. 14 Q. \$913.50 was the new wholesale list price? 15 A. Correct. 16 Q. And the anticipated AWP was \$1,141.86, 17 correct? 18 A. As listed on this document, yes. 19 Q. Would you have communicated a direct 20 list price and wholesale list prices to the 21 publishers? 22 A. Yes, I would.</p>

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<p style="text-align: right;">74</p> <p>1 Q. On the first page of this document,</p> <p>2 the Bates number ending in 95, is that your</p> <p>3 signature?</p> <p>4 A. Yes, it is.</p> <p>5 Q. And Beth Radar is an employee of First</p> <p>6 Data Bank at this time?</p> <p>7 A. Yes.</p> <p>8 Q. This time being 1992?</p> <p>9 A. Yes.</p> <p>10 Q. Did you prepare this letter?</p> <p>11 A. Yes, I did.</p> <p>12 Q. And the next page, the Bates numbers</p> <p>13 ending in 96, could you identify this for us?</p> <p>14 A. This is a document containing Trimox,</p> <p>15 which contains wholesale direct First Data</p> <p>16 Bank's AWP, MediSpan's AWP and Red Book's AWP.</p> <p>17 Q. Is this a Price-Chek report?</p> <p>18 A. No, this is not.</p> <p>19 Q. Would it be a price alert - I am</p> <p>20 sorry, a Price Pro report?</p> <p>21 A. No, it is not.</p> <p>22 Q. The file name says AWP 93.</p>	<p style="text-align: right;">76</p> <p>1 Q. Do you see in the text he says,</p> <p>2 "Wal-Mart is starting to buy the unit of use and</p> <p>3 we need AWP's established for their third-party</p> <p>4 reimbursement to work properly."</p> <p>5 Do you see that sentence? That is the</p> <p>6 last sentence of the e-mail, right before it</p> <p>7 says "Please advise."</p> <p>8 A. Yes, I do see that.</p> <p>9 Q. How is an AWP established in this</p> <p>10 instance for this particular drug? Was this a</p> <p>11 new line of drug?</p> <p>12 I am sorry, I just referenced the</p> <p>13 first sentence, which says it was a price</p> <p>14 increase.</p> <p>15 I will ask you a broader question.</p> <p>16 What would you have done in response</p> <p>17 to this e-mail?</p> <p>18 A. In response to this e-mail I would</p> <p>19 have done nothing only because, again, when we</p> <p>20 implement price increases, I cannot respond to a</p> <p>21 product manager's request.</p> <p>22 Q. You need to have multiple manager</p>
<p style="text-align: right;">75</p> <p>1 Is this something that you prepared?</p> <p>2 A. I may have.</p> <p>3 Q. If you did, where would you have</p> <p>4 obtained that information?</p> <p>5 A. The wholesale and direct price would</p> <p>6 have been obtained from the price master file,</p> <p>7 price authorization system, and then the various</p> <p>8 AWP's would have been obtained from the various</p> <p>9 data services.</p> <p>10 Q. The next page marked Bates number 97,</p> <p>11 is this an e-mail that you received from Joseph</p> <p>12 Grotzinger?</p> <p>13 A. It is an e-mail I received from him, yes.</p> <p>14 Q. If you know, what was his title at</p> <p>15 that time?</p> <p>16 A. Pardon me?</p> <p>17 Q. Do you know what his title was at that</p> <p>18 time?</p> <p>19 A. He was product manager - I don't know</p> <p>20 exactly.</p> <p>21 Q. Would he have been in marketing?</p> <p>22 A. He would have been in marketing.</p>	<p style="text-align: right;">77</p> <p>1 sign-off?</p> <p>2 A. Correct.</p> <p>3 Q. He is not on the official list, correct?</p> <p>4 A. Correct.</p> <p>5 Q. SMZ/TMP suspension, is that Trimox?</p> <p>6 A. Excuse me?</p> <p>7 Q. Is that another way of referring to Trimox?</p> <p>8 A. SMZ?</p> <p>9 Q. Yes.</p> <p>10 A. No.</p> <p>11 Q. Can you look at the page that follows,</p> <p>12 the Bates numbers ending with 98.</p> <p>13 A. Yes.</p> <p>14 Q. Can you read that paragraph out loud</p> <p>15 that starts with "Background."</p> <p>16 A. "Background: We were successful in</p> <p>17 using our unit of use packaging to secure the</p> <p>18 Trimox capsule business at Wal-Mart. It is</p> <p>19 necessary to furnish wholesale pricing to the</p> <p>20 pricing publishers to enable them to establish</p> <p>21 AWP's for third-party reimbursement purposes. It</p> <p>22 is prudent to point out at this time that these</p>

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<p style="text-align: right;">78</p> <p>1 wholesale prices do not reflect actual selling 2 prices as Trimox unit of use would be sold 3 primarily at contractor special offer pricing." 4 Q. It looks like the next page is another 5 copy of the same memo, correct? 6 A. Yes. 7 Q. Then the next page with the Bates 8 numbers ending in 100, that says "SMZ/TMP oral 9 suspension." 10 My question is, does that relate to 11 discussion of Trimox? 12 A. No, it does not. 13 Q. Thanks for clarifying that point. 14 Would you look at the two pages ending 15 in Bates numbers 101 and 102, please. 16 A. Yes. 17 Q. On 102, would you please read out loud 18 the paragraph entitled "Background." 19 A. "SMZ/TMP oral suspension is currently 20 manufactured by ALPharma and Teva, implementing 21 price increases in the range of 67 to 83 percent 22 for this product. Commodity pricing is</p>	<p style="text-align: right;">80</p> <p>1 interrogatory, which means a question, to BMS as 2 a corporation and BMS, through its lawyers, 3 responded. 4 I would like to have that marked as an 5 exhibit and I will ask you some questions about 6 that. 7 (Exhibit Kaszuba 007, two-page excerpt 8 from interrogatories containing 9 interrogatory number 5 and answer, marked 10 for identification, as of this date.) 11 Q. This is actually an excerpt from a 12 larger set of interrogatories and the court 13 reporter has marked that indicated by the E 14 stamp as E served on January 19, 2004. 15 Interrogatory number 5 asks, "With 16 respect to each AWPID, please describe how you 17 calculate the prices and/or data reported to 18 Medical Economics, Red Book, First Data Bank or 19 MediSpan or any other such entity that gathers 20 and publishes either average wholesale prices or 21 wholesale acquisition costs." 22 Underneath that is the answer in which</p>
<p style="text-align: right;">79</p> <p>1 increasing proportionately. While these 2 wholesale list prices do not reflect actual 3 selling prices, we need to increase our ASP 4 pricing across all areas — wholesale list, 5 direct list, wholesale special offer, bid 6 pricing — to maintain profit parity." 7 Q. Do you believe that the page we just 8 looked at with the Bates number ending in 100 9 pertains to the documents found on pages 101 and 10 102? 11 A. It may. 12 Q. Looking at page 102, would you have 13 implemented this price increase on the SMZ/TMP 14 oral suspension? 15 A. Not based on this documentation, 16 because there are no signatures, so I would not 17 have. 18 Q. Thank you. Those are all of the 19 questions that I have on that one. 20 Let's talk about the process of 21 communicating prices to others. 22 The plaintiffs in this case served an</p>	<p style="text-align: right;">81</p> <p>1 BMS interposes an objection and then subject to 2 that objection provides an answer beginning with 3 "Generally speaking." 4 I would like you to read out loud the 5 entire paragraph that begins "Generally speaking," 6 please. 7 A. "Generally speaking, there is a 8 multistep information flow between BMS and the 9 above publications. In step 1, someone from the 10 finance department within BMS sends to the 11 pricing administration department either a price 12 or new drug or a price increase on an existing 13 drug, the latter usually expressed as a 14 percentage figure, five percent increase from 15 the earlier price. 16 "In step 2, pricing administration 17 inputs the information into the BMS internal 18 computer system and in step 3 customers are 19 notified of the new prices. This is done via 20 Western Union, mailgram and fax or e-mail. 21 "In step 4, the publications are 22 notified. Prior to August 2001, pricing</p>

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<p style="text-align: right;">98</p> <p>1 any time other than August 10, 1992?</p> <p>2 A. Not that I recall.</p> <p>3 Q. Are you familiar with the markup</p> <p>4 factors First Data Bank uses for BMS products?</p> <p>5 A. Yes, I am.</p> <p>6 Q. What are they today?</p> <p>7 A. First Data Bank's, I think they are 25</p> <p>8 percent.</p> <p>9 Q. That is 25 percent for all BMS labeled</p> <p>10 products; is that correct?</p> <p>11 A. I'm assuming.</p> <p>12 Q. At some point, as we've seen earlier,</p> <p>13 at least for some labeler codes, it was 20</p> <p>14 percent, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Do you know when they were all changed</p> <p>17 to 25 percent?</p> <p>18 A. In 2000 at some point. Not the year</p> <p>19 2000, but 2001-2002. I am not quite certain.</p> <p>20 Q. When that change occurred, did you</p> <p>21 notice that it had occurred?</p> <p>22 A. It was brought to my attention that it</p>	<p style="text-align: right;">100</p> <p>1 Q. Did she tell you why the policy that</p> <p>2 she referenced had changed?</p> <p>3 A. Actually, she sent me a document, and</p> <p>4 I don't recall the content of it, a letter that</p> <p>5 she sent out to customers, I think. I think she</p> <p>6 sent that to our customers following --</p> <p>7 Q. With an explanation?</p> <p>8 A. With an explanation, and I don't</p> <p>9 recall the details of the letter.</p> <p>10 Q. Let's talk about Red Book.</p> <p>11 What is presently the markup Red Book</p> <p>12 applies to the wholesale list prices of BMS drugs?</p> <p>13 A. I don't know today.</p> <p>14 Q. Historically, do you know?</p> <p>15 A. It ranged from 20 to 25 percent.</p> <p>16 Q. At points in time in history, were you</p> <p>17 generally aware of what that markup was?</p> <p>18 A. Yes.</p> <p>19 Q. Same question for First Data Bank, you</p> <p>20 were generally aware at the time --</p> <p>21 A. Yes.</p> <p>22 Q. And MediSpan?</p>
<p style="text-align: right;">99</p> <p>1 had occurred.</p> <p>2 Q. How was that brought to your attention?</p> <p>3 A. It was brought to my attention by a</p> <p>4 trade operations manager who was notified by a</p> <p>5 customer who was upset.</p> <p>6 Q. Who was the trade operations manager</p> <p>7 that you spoke with?</p> <p>8 A. Wayne Roberts.</p> <p>9 Q. So when you heard about this, what did</p> <p>10 you do?</p> <p>11 A. I contacted First Data Bank.</p> <p>12 Q. Who did you contact specifically?</p> <p>13 A. Kay Morgan.</p> <p>14 Q. What did she say?</p> <p>15 A. Kay Morgan just said their pricing</p> <p>16 policy had changed and they were changing the</p> <p>17 factor to 25 percent.</p> <p>18 Q. Did she have any other explanation?</p> <p>19 A. Not that I -- she did mention that she</p> <p>20 was -- she gave an explanation in the sense that</p> <p>21 it affected a lot of pharmaceutical products,</p> <p>22 pharmaceutical companies.</p>	<p style="text-align: right;">101</p> <p>1 A. Yes.</p> <p>2 Q. The same question, you were generally</p> <p>3 aware of the markups at the time?</p> <p>4 A. Yes.</p> <p>5 Q. What were they at MediSpan?</p> <p>6 A. They also ranged between 20 and 25</p> <p>7 percent.</p> <p>8 Q. At any time did you or anyone under</p> <p>9 your supervision conduct any sort of a study</p> <p>10 into what the wholesalers were charging for BMS</p> <p>11 products?</p> <p>12 A. No.</p> <p>13 Q. Did it ever occur to you that BMS</p> <p>14 should do that?</p> <p>15 A. No.</p> <p>16 MR. EDWARDS: We have been going for</p> <p>17 quite a while now, two hours, I think, at</p> <p>18 least.</p> <p>19 Could we take a break?</p> <p>20 MR. MATT: Let's go off the record, we</p> <p>21 will take a break.</p> <p>22 (Recess taken.)</p>

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<p style="text-align: right;">102</p> <p>1 BY.MR. MATT:</p> <p>2 Q. Ms. Kaszuba, before our break, we were</p> <p>3 discussing Exhibit Kaszuba 008. I would like you to take</p> <p>4 a look at that again.</p> <p>5 Looking at the page with the Bates</p> <p>6 number ending 246, it says at the bottom there,</p> <p>7 the last paragraph of this office dispatch says,</p> <p>8 "I will pick up this to do another survey in 90</p> <p>9 days just in case the wholesalers/competition</p> <p>10 have been slow to make changes to their pricing."</p> <p>11 Do you know whether within three to</p> <p>12 six months of your letter which you sent on</p> <p>13 August 10th that the markups on BMS oncology</p> <p>14 drugs were changed to 25 percent?</p> <p>15 A. Could you just restate that question?</p> <p>16 I am sorry.</p> <p>17 Q. Sure.</p> <p>18 I think you testified that you didn't</p> <p>19 believe that they made any changes based</p> <p>20 on this, correct?</p> <p>21 A. MediSpan, correct.</p> <p>22 Q. And then together we explored whether</p>	<p style="text-align: right;">104</p> <p>1 A. No, not that I know of.</p> <p>2 Q. Let's talk about First Data Bank.</p> <p>3 Did First Data Bank make the change</p> <p>4 from 20.5 percent to 25 percent that you</p> <p>5 requested?</p> <p>6 A. No, they did not.</p> <p>7 Q. The same follow-up question, do you</p> <p>8 know whether in a subsequent time period of</p> <p>9 about three to six months later, did they make</p> <p>10 the change to 25 percent?</p> <p>11 A. No, they did not.</p> <p>12 Q. Have you ever communicated any markup</p> <p>13 factor changes to wholesalers?</p> <p>14 A. No.</p> <p>15 Q. At any point in time you don't recall</p> <p>16 ever doing that?</p> <p>17 A. No, I do not recall.</p> <p>18 Q. Let's talk about for a moment the</p> <p>19 information sent back to BMS by the publications</p> <p>20 after you provide the wholesale list prices.</p> <p>21 I think you testified earlier that</p> <p>22 they sent back AWP's.</p>
<p style="text-align: right;">103</p> <p>1 the labeler 0003 had a 1.25 markup, and it did,</p> <p>2 according to the office dispatch letter.</p> <p>3 What I am getting at is this: Did any</p> <p>4 changes occur subsequent to September 19th?</p> <p>5 A. Did any changes occur in MediSpan's</p> <p>6 database subsequent to this?</p> <p>7 Q. Just on the BMS oncology drugs.</p> <p>8 A. No.</p> <p>9 Again, there are only two products</p> <p>10 within the labeler code 0003 and they were</p> <p>11 Squibb's and they may have already had a factor</p> <p>12 of 25 percent.</p> <p>13 Q. You don't know for certain if they had</p> <p>14 a factor of 25 percent at the time?</p> <p>15 A. I don't know for sure.</p> <p>16 Q. It's your understanding that for other</p> <p>17 BMS oncology drugs, MediSpan did not make the</p> <p>18 change to 25 percent?</p> <p>19 A. It is my understanding that they did not.</p> <p>20 Q. What I am trying to find out is, at</p> <p>21 some point thereafter, in the following three to</p> <p>22 six months, was a change made?</p>	<p style="text-align: right;">105</p> <p>1 A. Correct.</p> <p>2 Q. Does your department review those AWP's</p> <p>3 for reasonability?</p> <p>4 A. On sporadic we may review them.</p> <p>5 Q. And when you review them, what are you</p> <p>6 looking for?</p> <p>7 A. The information that they provide back</p> <p>8 to us?</p> <p>9 Q. Correct.</p> <p>10 A. We are looking to ensure that the</p> <p>11 product information is the correct presentation.</p> <p>12 We are looking to ensure that the WLP or DP is</p> <p>13 correct. Then we are actually extracting and</p> <p>14 taking the AWP historically to put on our</p> <p>15 internal price list.</p> <p>16 Q. And do you review the AWP itself for</p> <p>17 reasonability as well?</p> <p>18 A. On a sporadic basis, we had.</p> <p>19 Q. And when you say you would</p> <p>20 sporadically review it, what do you mean by that?</p> <p>21 A. Again, based on the AWP's from a prior</p> <p>22 publication, internal price list, we may compare</p>

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<p style="text-align: right;">106</p> <p>1 the AWP.</p> <p>2 Q. Okay.</p> <p>3 Do you also review the new AWP to</p> <p>4 determine what markup factor was applied to the WLP?</p> <p>5 A. I had done. It was not a consistent</p> <p>6 practice, but --</p> <p>7 (Exhibit Kaszuba 009, documents bearing</p> <p>8 production Nos. BMS/AWP/000186646 through</p> <p>9 BMS/AWP/000186649, marked for</p> <p>10 identification, as of this date.)</p> <p>11 Q. The court reporter has marked as</p> <p>12 Exhibit Kaszuba 009 to your deposition a document entitled</p> <p>13 "Price Increase/Decrease Notification Process,"</p> <p>14 and it contains the Bates numbers 000186646 to 49.</p> <p>15 Do you recognize this document?</p> <p>16 A. Yes, I do.</p> <p>17 Q. Take a moment to review that and let</p> <p>18 me know when you are ready for some more questions.</p> <p>19 A. Okay.</p> <p>20 Q. Do you recognize this document?</p> <p>21 A. I do.</p> <p>22 Q. Is this something that you prepared?</p>	<p style="text-align: right;">108</p> <p>1 described the price increase/decrease</p> <p>2 notification process at that time?</p> <p>3 A. It is pretty consistent in what we do.</p> <p>4 Q. Is there anything that jumps out at</p> <p>5 you as being incorrect on this document?</p> <p>6 A. Nothing that jumps out.</p> <p>7 Q. I would like to draw your attention at</p> <p>8 the last page, paragraph 18.</p> <p>9 Can you read that out loud for us,</p> <p>10 please?</p> <p>11 A. "Obtaining AWP's from the data services</p> <p>12 First Data Bank and Red Book approximate</p> <p>13 turnaround time is two to three days. Review</p> <p>14 AWP's for reasonability, i.e. 20 to 25 percent</p> <p>15 higher than the new wholesale price. AWP's are</p> <p>16 for internal use only."</p> <p>17 Q. That is consistent with the testimony</p> <p>18 you gave just before we introduced this exhibit,</p> <p>19 correct?</p> <p>20 A. Correct.</p> <p>21 Q. And number 19 says update internal</p> <p>22 price lists with new AWP's?</p>
<p style="text-align: right;">107</p> <p>1 A. No, it is not.</p> <p>2 Q. Do you know who prepared that?</p> <p>3 A. I believe it was Mimi Leake, who was a</p> <p>4 pricing analyst.</p> <p>5 Q. At the time she prepared it, it was</p> <p>6 under your supervision, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Can you give us an approximate time at</p> <p>9 which this was created?</p> <p>10 A. I don't know exactly when, but it had</p> <p>11 to be in the time period, you know, she</p> <p>12 supported this activity, so it's like late 2001</p> <p>13 to 2003.</p> <p>14 Q. Can we narrow that further by</p> <p>15 concluding, based on the information in</p> <p>16 paragraph 5, that it was created back when BMS</p> <p>17 reported two separate prices, the wholesale</p> <p>18 price list and direct price?</p> <p>19 A. It was definitely when we had two-tier</p> <p>20 pricing, correct.</p> <p>21 Q. Do you believe, based on your review</p> <p>22 of the document, that this document accurately</p>	<p style="text-align: right;">109</p> <p>1 A. Correct.</p> <p>2 Q. Is that a reference to the internal</p> <p>3 price list we talked about earlier?</p> <p>4 A. Yes.</p> <p>5 Q. On the prior page, with the Bates</p> <p>6 numbers ending in 648, there is a paragraph that</p> <p>7 says sales force communications.</p> <p>8 A. Correct.</p> <p>9 Q. And little letter C references NID</p> <p>10 sales forces.</p> <p>11 What does NID refer to?</p> <p>12 A. Neuro infectious and dermatology, it</p> <p>13 is a group within primary care.</p> <p>14 Q. Did your department ever send AWP's to</p> <p>15 BMS oncology sales representatives?</p> <p>16 A. We did.</p> <p>17 Q. You did?</p> <p>18 A. Yes.</p> <p>19 Q. What form would they be in?</p> <p>20 A. It was a price list, a pocket reference.</p> <p>21 Q. What information -- pocket reference,</p> <p>22 was that the name you called it, you used?</p>

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<p style="text-align: right;">110</p> <p>1 A. Yes, Bristol-Myers Squibb pocket 2 reference. 3 Q. What information was contained in the 4 pocket reference? 5 A. The information found on it was the 6 product and pricing information, the wholesale 7 price, direct price, and I am not certain if we 8 had two columns for wholesale and direct. We 9 also had the AWP's from all three data services. 10 Q. During what time period -- first of 11 all, back up. 12 The BMS pocket reference was sent by 13 your department? 14 A. It was, yes. 15 Q. It was put together by your department 16 as well? 17 A. Yes. 18 Q. What time period was this done? 19 A. It was in the nineties. 20 Q. Was there a point in time in which you 21 stopped, your department stopped sending the BMS 22 pocket reference to the oncology sales persons?</p>	<p style="text-align: right;">112</p> <p>1 we used it and we never replenished it because 2 we never went back to reprint it. 3 Q. Was this something that was produced 4 on a periodic basis such as quarterly or 5 annually? 6 What determined when a BMS pocket 7 reference was sent? 8 A. Initially it was consistent when we 9 did list price changes, you know, at the time 10 we -- at the time we did list price changes and 11 if we were doing a commercial price list then we 12 would incorporate their pocket reference, but if 13 we didn't do a commercial price list, when we 14 did price increases, we did not do a pocket 15 reference. It was part of that. 16 Q. So is it fair to say, then, that the 17 creation and dissemination by your department of 18 a BMS pocket reference usually corresponded to 19 list process changes? 20 A. Correct. 21 Q. Does it say BMS pocket reference on it? 22 A. It says pocket reference. It may say</p>
<p style="text-align: right;">111</p> <p>1 A. We stopped -- I don't recall when we 2 stopped. We stopped doing a lot of official 3 publications. We weren't turning around list 4 price and so the pocket reference was part of 5 that official public documentation that we stopped. 6 Q. You do recall you stopped, that your 7 area stopped providing the pocket reference at 8 some point? 9 A. At some point, yes. 10 Q. And you believe that that postdates 11 the 1990s? 12 A. You know, I don't recall when we 13 actually stopped producing them. 14 Q. Did you provide those to counsel in 15 this litigation? 16 A. Yes. 17 Q. Did you have all the copies of those? 18 A. Probably not. 19 Q. Why not? 20 A. You know, if we had produced two or 21 three within the year, there may have been one 22 copy that we had run out of inventory, so again,</p>	<p style="text-align: right;">113</p> <p>1 Bristol-Myers Squibb oncology pocket reference 2 or, you know, whatever -- 3 MR. MATT: Off the record. 4 (Discussion off the record.) 5 Q. The first page of this document, 6 Exhibit Kaszuba 009, talks about the price authorization 7 system. 8 A. Correct. 9 Q. What is that? 10 A. Price authorization system is the data 11 results for our list price system. Again, this 12 is what COPS uses for invoicing purposes. 13 Q. Is the price authorization system 14 something different from the list price master 15 file? 16 A. No, it is the same. 17 Q. It is the same? 18 A. Different -- yeah, it is the same. 19 Q. And below, back to paragraph number 5 20 on the first page, it talks about a markup factor? 21 A. Yes. 22 Q. That is a markup factor applied to the</p>

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<p style="text-align: right;">114</p> <p>1 wholesale list price for one, for the</p> <p>2 wholesaler, it doesn't have anything to do -- it</p> <p>3 is not a markup factor that is used to determine</p> <p>4 an AWP, correct?</p> <p>5 A. No, it is not.</p> <p>6 Q. Other than the BMS pocket reference</p> <p>7 that we just went over, are there any other</p> <p>8 pricing materials that your department sends</p> <p>9 oncology salespeople?</p> <p>10 A. No.</p> <p>11 The sales force?</p> <p>12 Q. Yes, the sales force.</p> <p>13 A. No.</p> <p>14 Q. I have a number of policy and</p> <p>15 procedure documents I need your help with.</p> <p>16 I am going to mark these as three</p> <p>17 separate exhibits.</p> <p>18 (Exhibit Kaszuba 010, documents bearing</p> <p>19 production Nos. BMS/AWP/00337637 through</p> <p>20 BMS/AWP/00337641, marked for identification,</p> <p>21 as of this date.)</p> <p>22 (Exhibit Kaszuba 011, documents bearing</p>	<p style="text-align: right;">116</p> <p>1 and Procedures" and its Bates numbers are</p> <p>2 00337310 to 315.</p> <p>3 My first question to you, Ms. Kaszuba,</p> <p>4 is do you recognize any of these three documents?</p> <p>5 A. I do recognize the documents.</p> <p>6 Q. What are they?</p> <p>7 A. They are actually procedure for</p> <p>8 pricing support.</p> <p>9 Q. Do you know who prepared them?</p> <p>10 A. I did.</p> <p>11 Q. Do you know when they were prepared?</p> <p>12 A. Over, I think, a period from, like,</p> <p>13 1999 until maybe 2001-2002. I am not certain.</p> <p>14 Q. Are these three different iterations?</p> <p>15 A. Three different, appears to be.</p> <p>16 Q. Over time, you think?</p> <p>17 A. Over time, yes.</p> <p>18 Q. Do you have the ability to determine</p> <p>19 which was the first one that you prepared?</p> <p>20 A. No, I don't.</p> <p>21 Q. Do you have the ability to determine</p> <p>22 which the last one was that you prepared?</p>
<p style="text-align: right;">115</p> <p>1 production Nos. BMS/AWP/00912299 through</p> <p>2 BMS/AWP/00912305, marked for identification,</p> <p>3 as of this date.)</p> <p>4 (Exhibit Kaszuba 012, documents bearing</p> <p>5 production Nos. BMS/AWP/00337310 through</p> <p>6 BMS/AWP/00337315, marked for identification,</p> <p>7 as of this date.)</p> <p>8 Q. The court reporter has marked as</p> <p>9 Exhibit Kaszuba 010, Exhibit Kaszuba 011 and</p> <p>10 Exhibit Kaszuba 012 to your deposition</p> <p>11 documents that I would characterize as</p> <p>12 substantially similar but not necessarily</p> <p>13 identical, and just for the record, I am going</p> <p>14 to associate Bates numbers with the exhibit</p> <p>15 numbers.</p> <p>16 A. Okay.</p> <p>17 Q. Exhibit Kaszuba 010 is Bates numbered 00337637</p> <p>18 to 641.</p> <p>19 Exhibit Kaszuba 011 has a cover page that says</p> <p>20 "Policy and Procedures" and that is Bates</p> <p>21 numbered 00912299 to 305 and Exhibit Kaszuba 012</p> <p>22 also has a cover page on it that says "Policy</p>	<p style="text-align: right;">117</p> <p>1 A. No, I don't.</p> <p>2 Q. Why did you prepare these?</p> <p>3 A. Instructional for the pricing support</p> <p>4 coordinators.</p> <p>5 Q. So you provided that to the pricing</p> <p>6 support coordinators?</p> <p>7 A. Correct.</p> <p>8 Q. Did you provide that to anyone else?</p> <p>9 A. Not that I recall.</p> <p>10 Q. At the time that you prepared these,</p> <p>11 were they accurate reflections of the policies</p> <p>12 and procedures in pricing support?</p> <p>13 A. They may have been. Notifications may</p> <p>14 have been made because -- yes, this -- you know,</p> <p>15 again, this is a guide to the pricing support</p> <p>16 coordinator.</p> <p>17 Q. Let me ask the question a little more</p> <p>18 precisely, then.</p> <p>19 At the time you prepared what has been</p> <p>20 marked as Exhibit Kaszuba 010, at the time it was</p> <p>21 prepared, was it an accurate reflection of the</p> <p>22 pricing procedures employed by pricing support</p>

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<p style="text-align: right;">118</p> <p>1 at the time?</p> <p>2 A. It is a fair, accurate guide.</p> <p>3 Q. Exhibit Kaszuba 010, looking at the second</p> <p>4 page, the Bates numbers ending 38, the first two</p> <p>5 paragraphs, that tells me that this was created</p> <p>6 during the time BMS had two-tier pricing; is</p> <p>7 that correct?</p> <p>8 A. That is correct.</p> <p>9 Q. Paragraph 4 references Apothecon list</p> <p>10 prices.</p> <p>11 A. Correct.</p> <p>12 Q. Were the Apothecon list prices always</p> <p>13 found under billing category 51?</p> <p>14 A. No.</p> <p>15 Q. What other billing categories applied</p> <p>16 to Apothecon drugs then?</p> <p>17 A. Other billing categories that applied</p> <p>18 to Apothecon were 51, 56, 57, 58, 59, and then</p> <p>19 41 through 4-G.</p> <p>20 Q. And then do you know what purchasers</p> <p>21 billing category 51 referred to?</p> <p>22 A. 51 was a wholesaler billing category.</p>	<p style="text-align: right;">120</p> <p>1 under the reimbursement policies of insurers."</p> <p>2 Q. What was the source of your</p> <p>3 information for that?</p> <p>4 A. I don't recall the persons or the</p> <p>5 department.</p> <p>6 Q. But you would have obtained that</p> <p>7 information from somewhere outside of pricing</p> <p>8 support?</p> <p>9 A. Yes, I would have.</p> <p>10 Q. Could you please turn forward now to</p> <p>11 page 640.</p> <p>12 Number 3 says "Package Insert."</p> <p>13 A. Correct.</p> <p>14 Q. Could you read beginning with "If</p> <p>15 product is not added, the following occurs."</p> <p>16 A. "The AWP, average wholesale price, is</p> <p>17 not established, reimbursement of drug costs by</p> <p>18 insurance companies directly or through third</p> <p>19 party insurers is denied without product</p> <p>20 information. NAWP products will not be added to</p> <p>21 state formularies."</p> <p>22 Q. When you reference state formularies,</p>
<p style="text-align: right;">119</p> <p>1 Q. What was 56?</p> <p>2 A. 56 was a nonretail.</p> <p>3 Q. What was 57?</p> <p>4 A. 57 was retail.</p> <p>5 Q. And 58?</p> <p>6 A. And 58 was nonretail.</p> <p>7 Q. What does nonretail mean?</p> <p>8 A. It is a hospital or clinic.</p> <p>9 Q. And 59, billing category 5, what was</p> <p>10 that?</p> <p>11 A. 59 is physician.</p> <p>12 Q. Could you read the sentence beginning</p> <p>13 "If we never."</p> <p>14 A. "If we never sell these multisource</p> <p>15 products at the high billing category 51 price,</p> <p>16 why not reduce the bill cap 51, 56, 57, 58 and</p> <p>17 59 price."</p> <p>18 Q. Can you read the next paragraph,</p> <p>19 please.</p> <p>20 A. "Since the AWP, average wholesale</p> <p>21 price, is calculated based on the wholesale</p> <p>22 list, retailers benefit from a high AWP price</p>	<p style="text-align: right;">121</p> <p>1 what does that refer to?</p> <p>2 A. That refers to Medicaid, state</p> <p>3 agencies.</p> <p>4 Q. Exhibit Kaszuba 011 is another policy and</p> <p>5 procedures document.</p> <p>6 At the time you prepared this document</p> <p>7 which has been marked as Exhibit Kaszuba 011 to your</p> <p>8 deposition, do you believe that it represented a</p> <p>9 fair and accurate representation of the pricing</p> <p>10 support policies and procedures?</p> <p>11 A. Yes.</p> <p>12 Q. This appears to be from the time</p> <p>13 period in which BMS employed two-tier pricing,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. Those are all of the questions I have</p> <p>17 on that one.</p> <p>18 Exhibit Kaszuba 012, another policy and</p> <p>19 procedures document, at the time you prepared</p> <p>20 this document represented as Exhibit Kaszuba 012, did</p> <p>21 you believe that it was a fair and accurate</p> <p>22 representation of the policy and procedures of</p>

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<p style="text-align: right;">146</p> <p>1 Q. So this is an example of the printout 2 from the Red Book showing discontinued products? 3 A. They are asking us to verify whether 4 these products are discontinued or we still sell 5 them. 6 Q. What would you do with this once you 7 received it? 8 A. Actually, we would just identify if 9 these products were still being sold, and if 10 they weren't, we would just tell them to 11 discontinue them. We would give her the last 12 ship date. 13 Q. Exhibit Kaszuba 024 to your deposition is a 14 document that's marked with Bates numbers 15 0000478 to 482, and my question is, is this an 16 example of the use of Western Union mailgram? 17 A. It is. 18 Q. This was something that you created, 19 correct? 20 A. Correct. 21 Q. Do you know who this was sent to? 22 A. This was sent to customers other than</p>	<p style="text-align: right;">148</p> <p>1 Westwood Pharmaceuticals-Squibb. 2 Q. Is Westwood in New Jersey, does it 3 have any geographical significance? 4 A. Westwood is the dermatology products 5 and pretty much what does remain is out of 6 Plainsboro. 7 Q. Exhibit Kaszuba 025 to your deposition is a 8 document which contains the Bates numbers 9 0011236 to 240. It looks like a fax from Terri 10 Dunn to Larry Taylor. 11 The third page in, Bates number 238, 12 is this a fax that you received from Larry 13 Taylor at First Data Bank? 14 A. We would have received these 15 sporadically, correct. 16 Q. He is asking you to verify a shipment? 17 A. Correct. 18 Q. Indeed; it says, "To avoid any 19 inconsistencies with your pricing, either 20 wholesale, net, direct and/or AWP pricing, 21 please verify and document and necessary 22 corrections."</p>
<p style="text-align: right;">147</p> <p>1 wholesalers. 2 Q. How were you able to make that 3 determination from looking at the document? 4 A. The direct price per unit, the column 5 heading. 6 Q. Because if it was wholesalers, it 7 would say -- 8 A. At this point, if it was wholesalers, 9 and at this point in time it would have said 10 wholesale list price per unit or wholesale price 11 per unit. 12 Q. When did BMS begin using the phrase 13 Westwood-Squibb Pharmaceuticals? 14 A. Westwood-Squibb? 15 Q. Yes. 16 A. In the '96-'97-'98, in that area. 17 Again, Squibb, prior to '95, was 18 actually distributed out of Buffalo and even 19 though it was always a subsidiary of 20 Bristol-Myers, they brought the order to cash 21 process to Plainsboro, New Jersey. That's when 22 I know we started to address it as Westwood-Squibb,</p>	<p style="text-align: right;">149</p> <p>1 What action did you take in response 2 to this letter? 3 A. Just by the checkmarks, I can see that 4 she was verifying the wholesale list price. 5 Q. That isn't your checkmark? 6 A. No, that's not mine. This isn't -- 7 this looks like Terri Dunn. 8 Q. She was a project coordinator, 9 correct, pricing coordinator? 10 A. Correct. 11 Q. Exhibit Kaszuba 026 is a Red Book product 12 listing verification. This has the Bates 13 numbers 0005609 to 5622. 14 What is this document? 15 A. This document is actually provided 16 from the Red Book database and they provide it 17 annually or semiannually and what they are 18 doing, they request the pharmaceutical companies 19 to verify product, product and pricing 20 information. 21 Our role was to verify the product 22 information and plus list price or actually</p>

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<p style="text-align: right;">150</p> <p>1 wholesale list at this time and direct price and 2 product if it's active or not. 3 Q. The copy that we have, the column 4 headings didn't turn out. The first column that 5 has 82 - the column which has 8278 in it on the 6 first page, do you see that column right here? 7 A. Yes. 8 Q. What is that? Is that the AWP? 9 A. I don't know, I have no idea. 10 Q. What about the column, it says 6616. 11 Do you know what column that is? 12 A. No. Without the headings, I would not 13 know. 14 Q. Is that Barbara Goetz' signature at 15 the very bottom of each page? 16 A. Yes. 17 Q. What does that signify? 18 A. Actually what it is signifying, she is 19 proofing the product information and she is 20 proofing the list price information. 21 Q. Take a look at Exhibit Kaszuba 027 next. 22 A. Sure.</p>	<p style="text-align: right;">152</p> <p>1 looking at it. 2 Q. The one after that says AWP; is that 3 correct? 4 A. It could. 5 Q. I guess if we had a calculator we 6 could probably figure that out because you could 7 multiply WAC times the market factor, right? 8 A. Yes. 9 Q. Exhibit Kaszuba 027 also has Barbara Goetz' 10 signature, correct? 11 A. Correct. 12 Q. She is signing that in the course of 13 her responsibilities as a BMS employee; is that 14 correct? 15 A. She is. 16 Q. The same question with respect to 17 Exhibit Kaszuba 026, did Barbara Goetz sign that in her 18 role as a BMS employee? 19 A. Yes, she did. 20 Q. Thank you. 21 Going now to Exhibit Kaszuba 028, this is a 22 document with Bates numbers 0005551 to 570.</p>
<p style="text-align: right;">151</p> <p>1 Q. This is also a Red Book product 2 listing and it contains the Bates numbers 3 0005571 to 5608. 4 If you will look at page 597, it looks 5 like we can read the column headings. 6 A. Okay. 7 Q. The last column is price effective 8 date, correct? 9 A. Correct. 10 Q. The next column, what does that say, 11 based on your experience with these reports? 12 A. The one preceding that? 13 Q. Yes. 14 A. You know, I don't know. 15 Q. SWP? 16 A. It's been years since I have looked at 17 these documents, so I really - 18 Q. The column next to that is WAC, correct? 19 A. Correct. 20 Q. And the one next to that, do you 21 believe that is direct price? 22 A. I believe it is direct, just by</p>	<p style="text-align: right;">153</p> <p>1 Is this a fax from Wyndy Jones of 2 MediSpan to yourself? 3 A. It is. 4 Q. What information is she transmitting? 5 A. She is transmitting NDC, product name, 6 unit of measure, she is providing WAC, direct 7 price, AWP, effective date and another date I 8 can't read. 9 Q. Did you request this information? 10 A. I am assuming I did. 11 Q. For what purpose would you have 12 requested this? 13 A. The purpose is for product information 14 verification, that she has actually input the 15 correct wholesale price, and also I am assuming 16 for the AWP to include on an internal price 17 list. 18 Q. Exhibit Kaszuba 029 is Bates numbered 0005237. 19 This is a May 13, 1997 letter from Barbara Goetz 20 to Carol Flanagan at Medical Economics. 21 A. Correct. 22 Q. Was Barbara Goetz acting under your</p>